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UNITED STATES OF AMERICA.



















# CONSTITUTION

OF THE

## STATE OF MISSOURI,

ADOPTED IN CONVENTION AUGUST 2, 1875;

AND AN ORDINANCE



PROHIBITING THE PAYMENT OF MISSING RAILROAD BONDS

ALSO

THE ADDRESS OF THE CONVENTION

TO THE PEOPLE OF THE STATE.

ELECTION: SATURDAY, OCTOBER 30, 1875.

JEFFERSON CITY:

REGAN & CARTER, STATE PRINTERS AND BINDERS.

1875.

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STATE OF MISSOURI, } SS

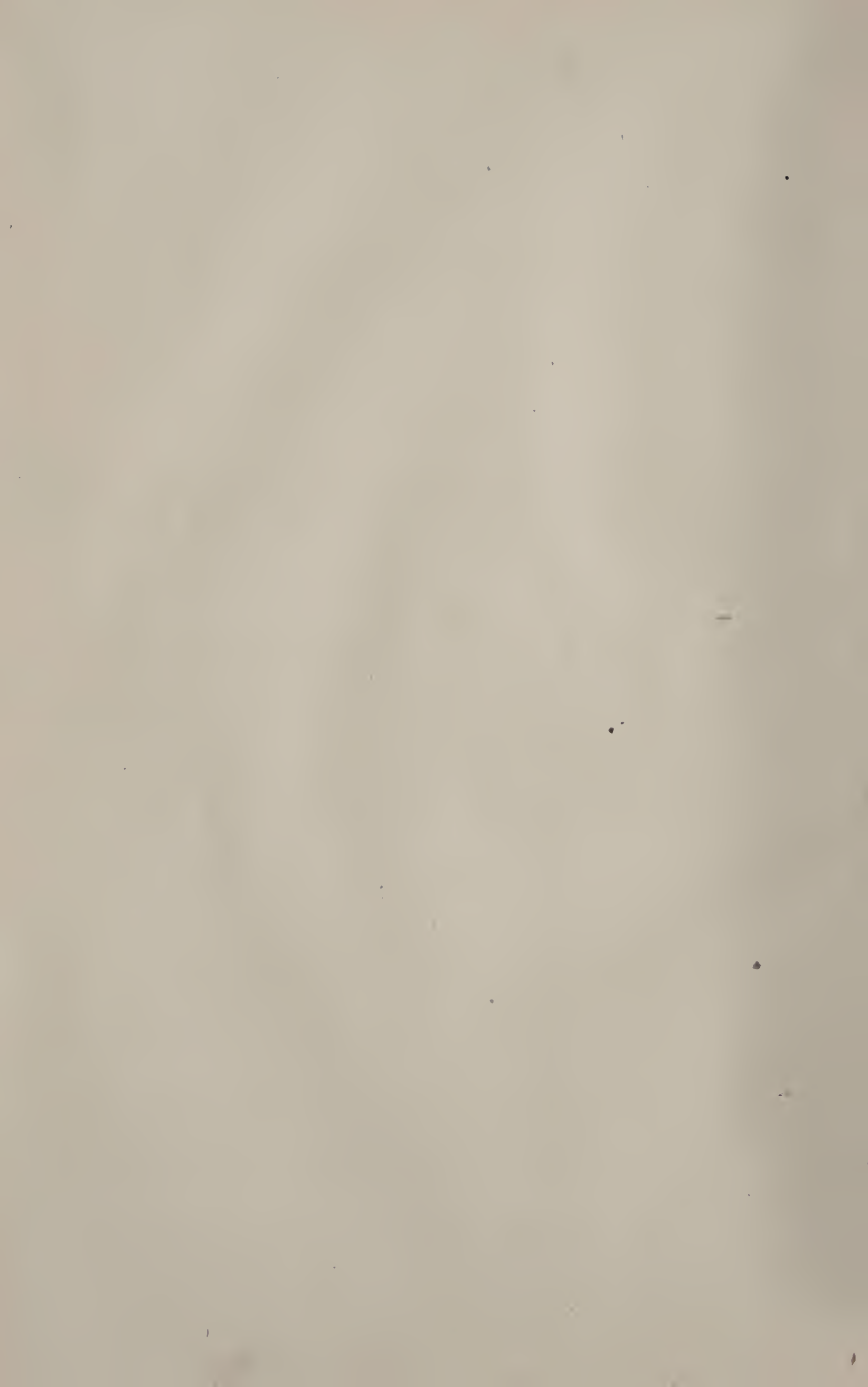
I, MICHAEL K. McGRATH, Secretary of State of the State of Missouri, hereby certify that I have collated the Constitution and Ordinance adopted in Convention August 2, 1875, and contained in the following pages, with the original roll of said Constitution and Ordinance on file in my office, and that the said pages contain a full, true and complete copy of said Constitution and Ordinance.

In testimony whereof, I have hereunto set my hand and affixed my seal of office. Done at office, in the City of Jefferson, this nineteenth day of August, A. D. eighteen hundred and seventy-five.



MICH'L K. McGRATH,  
*Secretary of State.*







# CONSTITUTION.

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## PREAMBLE.

We, the people of Missouri, with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness, do, for the better government of the State, establish this Constitution.

## ARTICLE I.

### BOUNDARIES.

SECTION 1. The boundaries of the State as heretofore established by law, are hereby ratified and confirmed. The State shall have concurrent jurisdiction on the river Mississippi, and every other river bordering on the State, so far as the said rivers shall form a common boundary to this State and any other State or States; and the river Mississippi and the navigable rivers and waters leading to the same, shall be common highways, and forever free to the citizens of this State and of the United States, without any tax, duty, impost or toll therefor, imposed by this State.

## ARTICLE II.

### BILL OF RIGHTS.

In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded, we declare :

SECTION 1. That all political power is vested in, and derived from, the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

SEC. 2. That the people of this State have the inherent, sole and exclusive right to regulate the internal government and police thereof, and to alter and abolish their Constitution and form of government whenever they may deem it necessary to their safety and happiness: *Provided*, such change be not repugnant to the Constitution of the United States.

SEC. 3. That Missouri is a free and independent State, subject only to the Constitution of the United States; and as the preservation of the States and the maintenance of their governments, are necessary to an indestructible Union, and were intended to co-exist with it, the Legislature is not authorized to adopt, nor will the people of this State ever assent to any amendment or change of the Constitution of

the United States which may in any wise impair the right of local self-government belonging to the people of this State.

SEC. 4. That all constitutional government is intended to promote the general welfare of the people: that all persons have a natural right to life, liberty and the enjoyment of the gains of their own industry; that to give security to these things is the principal office of government, and that when government does not confer this security, it fails of its chief design.

SEC. 5. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no person can, on account of his religious opinions, be rendered ineligible to any office of trust or profit under this State, nor be disqualified from testifying, or from serving as a juror; that no human authority can control or interfere with the rights of conscience; that no person ought, by any law, to be molested in his person or estate, on account of his religious persuasion or profession; but the liberty of conscience hereby secured, shall not be so construed as to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace or safety of this State, or with the rights of others.

SEC. 6. That no person can be compelled to erect, support or attend any place or system of worship, or to maintain or support any priest, minister, preacher or teacher of any sect, church, creed or denomination of religion; but if any person shall voluntarily make a contract for any such object, he shall be held to the performance of the same.

SEC. 7. That no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such; and that no preference shall be given to, nor any discrimination made against any church, sect or creed of religion, or any form of religious faith or worship.

SEC. 8. That no religious corporation can be established in this State, except such as may be created under a general law for the purpose only of holding the title to such real estate as may be prescribed by law for church edifices, parsonages and cemeteries.

SEC. 9. That all elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

SEC. 10. That courts of justice shall be open to every person, and certain remedy afforded for every injury to person, property or character; and that right and justice should be administered without sale, denial or delay.

SEC. 11. That the people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, shall issue without describing the place to be searched, or the person or thing to be seized, as nearly as may be; nor without probable cause, supported by oath or affirmation reduced to writing.

SEC. 12. That no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; in all other cases, offenses shall be prosecuted criminally by indictment or information as concurrent remedies.

SEC. 13. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and



comfort; that no person can be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on his confession in open court; that no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death; and when any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

SEC. 14. That no law shall be passed impairing the freedom of speech; that every person shall be free to say, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and that in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact.

SEC. 15. That no *ex post facto* law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges or immunities, can be passed by the General Assembly.

SEC. 16. That imprisonment for debt shall not be allowed, except for the nonpayment of fines and penalties imposed for violation of law.

SEC. 17. That the right of no citizen to keep and bear arms in defense of his home, person and property, or in aid of the civil power, when thereto legally summoned, shall be called in question; but nothing herein contained is intended to justify the practice of wearing concealed weapons.

SEC. 18. That no person elected or appointed to any office or employment of trust or profit under the laws of this State, or any ordinance of any municipality in this State, shall hold such office without personally devoting his time to the performance of the duties to the same belonging.

SEC. 19. That no person who is now, or may hereafter become a collector or receiver of public money, or assistant or deputy of such collector or receiver, shall be eligible to any office of trust or profit in the State of Missouri under the laws thereof, or of any municipality therein, until he shall have accounted for and paid over all the public money for which he may be accountable.

SEC. 20. That no private property can be taken for private use with or without compensation, unless by the consent of the owner, except for private ways of necessity, and except for drains and ditches across the lands of others for agricultural and sanitary purposes in such manner as may be prescribed by law; and that whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public, shall be a judicial question, and as such judicially determined, without regard to any legislative assertion that the use is public.

SEC. 21. That private property shall not be taken or damaged for public use without just compensation. Such compensation shall be ascertained by a jury or board of commissioners of not less than three freeholders, in such manner as may be prescribed by law; and until the same shall be paid to the owner, or into court for the owner, the property shall not be disturbed or the proprietary rights of the owner therein divested. The fee of land taken for railroad tracks without consent of the owner thereof, shall remain in such owner, subject to the use for which it is taken.

SEC. 22. In criminal prosecutions the accused shall have the



right to appear and defend, in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy, public trial by an impartial jury of the county.

SEC. 23. That no person shall be compelled to testify against himself in a criminal cause, nor shall any person after being once acquitted by a jury, be again, for the same offense, put in jeopardy of life or liberty; but if the jury to which the question of his guilt or innocence is submitted, fail to render a verdict, the court before which the trial is had, may, in its discretion, discharge the jury and commit or bail the prisoner for trial at the next term of court, or if the state of business will permit, at the same term; and if judgment be arrested after a verdict of guilty on a defective indictment, or if judgment on a verdict of guilty be reversed for error in law, nothing herein contained shall prevent a new trial of the prisoner on a proper indictment, or according to correct principles of law.

SEC. 24. That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

SEC. 25. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

SEC. 26. That the privilege of the writ of *habeas corpus* shall never be suspended.

SEC. 27. That the military shall always be in strict subordination to the civil power; that no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law.

SEC. 28. The right of trial by jury, as heretofore enjoyed, shall remain inviolate; but a jury for the trial of criminal or civil cases, in courts not of record, may consist of less than twelve men, as may be prescribed by law. Hereafter a grand jury shall consist of twelve men, any nine of whom concurring may find an indictment or a true bill.

SEC. 29. That the people have the right peaceably to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances by petition or remonstrance.

SEC. 30. That no person shall be deprived of life, liberty or property without due process of law.

SEC. 31. That there cannot be in this State either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

SEC. 32. The enumeration in this Constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

### ARTICLE III.

#### THE DISTRIBUTION OF POWERS.

The powers of government shall be divided into three distinct departments—the legislative, executive and judicial, each of which shall be confided to a separate magistracy; and no person, or collection of persons, charged with the exercise of powers properly belonging to one of those departments, shall exercise any power prop-



erly belonging to either of the others, except in the instances in this Constitution expressly directed or permitted.

## ARTICLE IV.

### LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislative power, subject to the limitations herein contained, shall be vested in a Senate and House of Representatives, to be styled "The General Assembly of the State of Missouri."

#### REPRESENTATION AND APPORTIONMENT.

SEC. 2. The House of Representatives shall consist of members to be chosen every second year by the qualified voters of the several counties, and apportioned in the following manner: The ratio of representation shall be ascertained at each apportioning session of the General Assembly, by dividing the whole number of inhabitants of the State, as ascertained by the last decennial census of the United States, by the number two hundred. Each county having one ratio, or less, shall be entitled to one Representative; each county having two and a half times said ratio, shall be entitled to two Representatives; each county having four times said ratio, shall be entitled to three Representatives; each county having six times said ratio, shall be entitled to four Representatives, and so on above that number, giving one additional member for every two and a half additional ratios.

SEC. 3. When any county shall be entitled to more than one Representative, the county court shall cause such county to be subdivided into districts of compact and contiguous territory, corresponding in number to the Representatives to which such county is entitled, and in population as nearly equal as may be, in each of which the qualified voters shall elect one Representative, who shall be a resident of such district: *Provided*, That when any county shall be entitled to more than ten Representatives, the circuit court shall cause such county to be subdivided into districts, so as to give each district not less than two, nor more than four Representatives, who shall be residents of such district; the population of the districts to be proportioned to the number of Representatives to be elected therefrom.

SEC. 4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-four years, who shall not be a male citizen of the United States, who shall not have been a qualified voter of this State two years, and an inhabitant of the county or district which he may be chosen to represent, one year next before the day of his election, if such county or district shall have been so long established; but if not, then of the county or district from which the same shall have been taken, and who shall not have paid a State and county tax within one year next preceding the election.

SEC. 5. The Senate shall consist of thirty-four members, to be chosen by the qualified voters of their respective districts for four years. For the election of Senators the State shall be divided into convenient districts, as nearly equal in population as may be, the same to be ascertained by the last decennial census taken by the United States.



SEC. 6. No person shall be a Senator who shall not have attained the age of thirty years, who shall not be a male citizen of the United States, who shall not have been a qualified voter of this State three years, and an inhabitant of the district which he may be chosen to represent, one year next before the day of his election, if such district shall have been so long established; but if not, then of the district or districts from which the same shall have been taken, and who shall not have paid a State and county tax within one year next preceding the election. When any county shall be entitled to more than one Senator, the circuit court shall cause such county to be subdivided into districts of compact and contiguous territory, and of population as nearly equal as may be, corresponding in number with the Senators to which such county may be entitled; and in each of these one Senator, who shall be a resident of such district, shall be elected by the qualified voters thereof.

SEC. 7. Senators and Representatives shall be chosen according to the rule of apportionment established in this Constitution, until the next decennial census by the United States shall have been taken, and the result thereof as to this State ascertained, when the apportionment shall be revised and adjusted on the basis of that census, and every ten years thereafter upon the basis of the United States census; or if such census be not taken, or is delayed, then on the basis of a State census; such apportionment to be made at the first session of the General Assembly after each such census: *Provided*, That if at any time, or from any cause, the General Assembly shall fail or refuse to district the State for Senators, as required in this section, it shall be the duty of the Governor, Secretary of State and Attorney General, within thirty days after the adjournment of the General Assembly on which such duty devolved, to perform said duty, and to file in the office of the Secretary of State a full statement of the districts formed by them, including the names of the counties embraced in each district, and the numbers thereof; said statement to be signed by them, and attested by the Great Seal of the State, and upon the proclamation of the Governor, the same shall be as binding and effectual as if done by the General Assembly.

SEC. 8. Until an apportionment of Representatives can be made, in accordance with the provisions of this Article, the House of Representatives shall consist of one hundred and forty-three members, which shall be divided among the several counties of the State, as follows: The county of St. Louis shall have seventeen; the county of Jackson four; the county of Buchanan three; the counties of Franklin, Greene, Johnson, Lafayette, Macon, Marion, Pike and Saline, each two, and each of the other counties in the State one.

SEC. 9. Senatorial and Representative Districts may be altered, from time to time, as public convenience may require. When any Senatorial District shall be composed of two or more counties, they shall be contiguous; such districts to be as compact as may be, and in the formation of the same no county shall be divided.

SEC. 10. The first election of Senators and Representatives, under this Constitution, shall be held at the general election in the year one thousand eight hundred and seventy-six, when the whole number of Representatives, and the Senators from the Districts having odd numbers, who shall compose the first class, shall be chosen; and in one thousand eight hundred and seventy-eight, the Senators from the Districts having even numbers, who shall compose the second class, and so on at each succeeding general election, half the Senators provided for by this Constitution shall be chosen.



SEC. 11. Until the State shall be divided into Senatorial Districts, in accordance with the provisions of this Article, said Districts shall be constituted and numbered as follows:

The First District shall be composed of the counties of Andrew, Holt, Nodaway and Atchison.

Second District—The counties of Buchanan, DeKalb, Gentry and Worth.

Third District—The counties of Clay, Clinton and Platte.

Fourth District—The counties of Caldwell, Ray, Daviess and Harrison.

Fifth District—The counties of Livingston, Grundy, Mercer and Carroll.

Sixth District—The counties of Linn, Sullivan, Putnam and Chariton.

Seventh District—The counties of Randolph, Howard and Monroe.

Eighth District—The counties of Adair, Macon and Schuyler.

Ninth District—The counties of Audrain, Boone and Callaway.

Tenth District—The counties of St. Charles and Warren.

Eleventh District—The counties of Pike, Lincoln and Montgomery.

Twelfth District—The counties of Lewis, Clark, Scotland and Knox.

Thirteenth District—The counties of Marion, Shelby and Ralls.

Fourteenth District—The counties of Bates, Cass and Henry.

Fifteenth District—The county of Jackson.

Sixteenth District—The counties of Vernon, Barton, Jasper, Newton and McDonald.

Seventeenth District—The counties of Lafayette and Johnson.

Eighteenth District—The counties of Greene, Lawrence, Barry, Stone and Christian.

Nineteenth District—The counties of Saline, Pettis and Benton.

Twentieth District—The counties of Polk, Hickory, Dallas, Dade, Cedar and St. Clair.

Twenty-first District—The counties of Laclede, Webster, Wright, Texas, Douglas, Taney, Ozark and Howell.

Twenty-second District—The counties of Phelps, Miller, Maries, Camden, Pulaski, Crawford and Dent.

Twenty-third District—The counties of Cape Girardeau, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard and Scott.

Twenty-fourth District—The counties of Iron, Madison, Bollinger, Wayne, Butler, Reynolds, Carter, Ripley, Oregon and Shannon.

Twenty-fifth District—The counties of Franklin, Gasconade and Osage.

Twenty-sixth District—The counties of Washington, Jefferson, St. Francois, Ste. Genevieve and Perry.

Twenty-eighth District—The counties of Cooper, Moniteau, Morgan and Cole.

St. Louis county shall be divided into seven districts, numbered respectively, as follows:

Twenty-seventh, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-third and Thirty-fourth.

SEC. 12. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office under this State or any municipality thereof; and no member of Congress or person holding any lucrative office under the United States, or this State, or any municipality thereof, (militia officers, justices of the



peace and notaries public excepted,) shall be eligible to either house of the General Assembly, or remain a member thereof, after having accepted any such office or seat in either house of Congress.

SEC. 13. If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby be vacated.

SEC. 14. Writs of election to fill such vacancies as may occur in either house of the General Assembly, shall be issued by the Governor.

SEC. 15. Every Senator and Representative elect, before entering upon the duties of his office, shall take and subscribe the following oath or affirmation: "I do solemnly swear, [or affirm,] that I will support the Constitution of the United States and of the State of Missouri, and faithfully perform the duties of my office; and that I will not knowingly receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law." The oath shall be administered in the halls of their respective houses, to the members thereof, by some judge of the Supreme Court, or the Circuit Court, or the County Court of Cole county, or after the organization, by the presiding officer of either house, and shall be filed in the office of the Secretary of State. Any member of either house refusing to take said oath or affirmation, shall be deemed to have thereby vacated his office, and any member convicted of having violated his oath or affirmation, shall be deemed guilty of perjury, and be forever thereafter disqualified from holding any office of trust or profit in this State.

SEC. 16. The members of the General Assembly shall severally receive from the public treasury such compensation for their services as may, from time to time, be provided by law, not to exceed five dollars per day for the first seventy days of each session, and after that not to exceed one dollar per day for the remainder of the session, except the first session held under this Constitution, and during revising sessions, when they may receive five dollars per day for one hundred and twenty days, and one dollar per day for the remainder of such sessions. In addition to per diem, the members shall be entitled to receive traveling expenses or mileage, for any regular and extra session not greater than now provided by law; but no member shall be entitled to traveling expenses or mileage for any extra session that may be called within one day after an adjournment of a regular session. Committees of either house, or joint committees of both houses, appointed to examine the institutions of the State, other than those at the seat of government, may receive their actual expenses, necessarily incurred while in the performance of such duty; the items of such expenses to be returned to the chairman of such committee, and by him certified to the State Auditor, before the same, or any part thereof, can be paid. Each member may receive at each regular session an additional sum of thirty dollars, which shall be in full for all stationery used in his official capacity, and all postage, and all other incidental expenses and perquisites; and no allowance or emoluments, for any purpose whatever, shall be made to, or received by the members, or any member of either house, or for their use, out of the contingent fund or otherwise, except as herein expressly provided; and no allowance or emolument, for any purpose whatever, shall ever be paid to any officer, agent, servant or employe of either house of the General Assembly, or of any committee thereof, except such per diem as may be provided for by law, not to exceed five dollars.



SEC. 17. Each house shall appoint its own officers; shall be sole judge of the qualifications, election and returns of its own members; may determine the rules of its own proceedings, except as herein provided; may arrest and punish by fine not exceeding three hundred dollars, or imprisonment in a county jail not exceeding ten days, or both, any person, not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence during its sessions; may punish its members for disorderly conduct; and with the concurrence of two-thirds of all members elect, may expel a member; but no member shall be expelled a second time for the same cause.

SEC. 18. A majority of the whole number of members of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each House may provide.

SEC. 19. The sessions of each House shall be held with open doors, except in cases which may require secrecy.

SEC. 20. The General Assembly elected in the year one thousand eight hundred and seventy-six shall meet on the first Wednesday after the first day of January, one thousand eight hundred and seventy-seven; and thereafter the General Assembly shall meet in regular session once only in every two years; and such meeting shall be on the first Wednesday after the first day of January next after the elections of the members thereof.

SEC. 21. Every adjournment or recess taken by the General Assembly for more than three days, shall have the effect of and be an adjournment *sine die*.

SEC. 22. Every adjournment or recess taken by the General Assembly for three days or less, shall be construed as not interrupting the session at which they are had or taken, but as continuing the session for all the purposes mentioned in section sixteen of this Article.

SEC. 23. Neither House shall, without the consent of the other, adjourn for more than two days at any one time, nor to any other place than that in which the two Houses may be sitting.

#### LEGISLATIVE PROCEEDINGS.

SEC. 24. The style of the laws of this State shall be, "*Be it enacted by the General Assembly of the State of Missouri, as follows:*"

SEC. 25. No law shall be passed, except by bill, and no bill shall be so amended in its passage through either House, as to change its original purpose.

SEC. 26. Bills may originate in either House, and may be amended or rejected by the other; and every bill shall be read on three different days in each House.

SEC. 27. No bill shall be considered for final passage unless the same has been reported upon by a committee and printed for the use of the members.

SEC. 28. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated, and except bills passed under the third subdivision of section forty-four of this Article) shall contain more than one subject, which shall be clearly expressed in its title.

SEC. 29. All amendments adopted by either House to a bill pend-



ing and originating in the same, shall be incorporated with the bill by engrossment, and the bill as thus engrossed, shall be printed for the use of the members before its final passage. The engrossing and printing shall be under the supervision of a committee, whose report to the House shall set forth, in writing, that they find the bill truly engrossed, and that the printed copy furnished to the members is correct.

SEC. 30. If a bill passed by either House be returned thereto, amended by the other, the House to which the same is returned shall cause the amendment or amendments so received to be printed under the same supervision, as provided in the next preceding section, for the use of the members before final action on such amendments.

SEC. 31. No bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

SEC. 32. No amendment to bills by one House shall be concurred in by the other, except by a vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either House only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journal.

SEC. 33. No act shall be revived or re-enacted by mere reference to the title thereof, but the same shall be set forth at length, as if it were an original act.

SEC. 34. No act shall be amended by providing that designated words thereof be stricken out, or that designated words be inserted, or that designated words be stricken out and others inserted in lieu thereof; but the words to be stricken out, or the words to be inserted, or the words to be stricken out and those inserted in lieu thereof, together with the act or section amended, shall be set forth in full, as amended.

SEC. 35. When a bill is put upon its final passage in either House, and failing to pass, a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be immediately taken, and the subject finally disposed of before the House proceeds to any other business.

SEC. 36. No law passed by the General Assembly, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency, (which emergency must be expressed in the preamble or in the body of the act,) the General Assembly shall, by a vote of two-thirds of all the members elected to each House, otherwise direct; said vote to be taken by yeas and nays, and entered upon the journal.

SEC. 37. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two Houses in open session; and before such officer shall affix his signature to any bill, he shall suspend all other business, declare that such bill will now be read, and that, if no objections be made, he will sign the same to the end that it may become a law. The bill shall then be read at length, and if no objections be made, he shall, in presence of the House in open session, and before any other business is entertained, affix his signature, which fact shall be noted on the journal, and the bill im-



mediately sent to the other House. When it reaches the other House, the presiding officer thereof shall immediately suspend all other business, announce the reception of the bill, and the same proceedings shall thereupon be observed, in every respect, as in the House in which it was first signed. If in either House any member shall object that any substitution, omission or insertion has occurred, so that the bill proposed to be signed is not the same in substance and form as when considered and passed by the House, or that any particular clause of this Article of the Constitution has been violated in its passage, such objection shall be passed upon by the House, and if sustained, the presiding officer shall withhold his signature; but if such objection shall not be sustained, then any five members may embody the same, over their signatures, in a written protest, under oath, against the signing of the bill. Said protest when offered in the House shall be noted upon the journal, and the original shall be annexed to the bill to be considered by the Governor in connection therewith.

SEC. 38. When the bill has been signed, as provided for in the preceding section, it shall be the duty of the Secretary of the Senate, if the bill originated in the Senate, and of the Chief Clerk of the House of Representatives, if the bill originated in the House, to present the same in person, on the same day on which it was signed as aforesaid, to the Governor, and enter the fact upon the journal. Every bill presented to the Governor, and returned within ten days to the House in which the same originated, with the approval of the Governor, shall become a law, unless it be in violation of some provision of this Constitution.

SEC. 39. Every bill presented as aforesaid, but returned without the approval of the Governor, and with his objections thereto, shall stand as reconsidered in the House to which it is returned. The House shall cause the objections of the Governor to be entered at large upon the journal, and proceed, at its convenience, to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Governor thereto notwithstanding?" The vote upon this question shall be taken by yeas and nays, and the names entered upon the journal, and if two-thirds of all the members elected to the House vote in the affirmative, the presiding officer of that House shall certify that fact on the roll, attesting the same by his signature, and send the bill, with the objections of the Governor, to the other House, in which like proceedings shall be had in relation thereto; and if the bill receive a like majority of the votes of all the members elected to that House, the vote being taken by yeas and nays, the presiding officer thereof shall, in like manner, certify the fact upon the bill. The bill thus certified shall be deposited in the office of the Secretary of State, as an authentic act, and shall become a law in the same manner and with like effect as if it had received the approval of the Governor.

SEC. 40. Whenever the Governor shall fail to perform his duty, as prescribed in section twelve, Article V. of this Constitution, in relation to any bill presented to him for his approval, the General Assembly may, by joint resolution, reciting the fact of such failure and the bill at length, direct the Secretary of State to enroll the same as an authentic act, in the archives of the State, and such enrollment shall have the same effect as an approval by the Governor: *Provided*, that such joint resolution shall not be submitted to the Governor for his approval.

SEC. 41. Within five years after the adoption of this Constitution, all the statute laws of a general nature, both civil and criminal, shall



be revised, digested and promulgated in such manner as the General Assembly shall direct; and a like revision, digest and promulgation, shall be made at the expiration of every subsequent period of ten years.

SEC. 42. Each House shall, from time to time, publish a journal of its proceedings, and the yeas and nays on any question shall be taken and entered on the journal at the motion of any two members. Whenever the yeas and nays are demanded, the whole list of members shall be called, and the names of the absentees shall be noted and published in the journal.

#### LIMITATION ON LEGISLATIVE POWER.

SEC. 43. All revenue collected and moneys received by the State from any source whatsoever, shall go into the treasury, and the General Assembly shall have no power to divert the same, or to permit money to be drawn from the treasury, except in pursuance of regular appropriations made by law. All appropriations of money by the successive General Assemblies shall be made in the following order:

*First*—For the payment of all interest upon the bonded debt of the State that may become due during the term for which each General Assembly is elected.

*Second*—For the benefit of the sinking fund, which shall not be less annually than two hundred and fifty thousand dollars.

*Third*—For free public school purposes.

*Fourth*—For the payment of the cost of assessing and collecting the revenue.

*Fifth*—For the payment of the civil list.

*Sixth*—For the support of the eleemosynary institutions of the State.

*Seventh*—For the pay of the General Assembly, and such other purposes not herein prohibited, as it may deem necessary; but no General Assembly shall have power to make any appropriation of money for any purpose whatsoever, until the respective sums necessary for the purposes in this section specified have been set apart and appropriated, or to give priority in its action to a succeeding over a preceding item as above enumerated.

SEC. 44. The General Assembly shall have no power to contract or to authorize the contracting of any debt or liability on behalf of the State, or to issue bonds or other evidences of indebtedness thereof, except in the following cases:

*First*—In renewal of existing bonds when they can not be paid at maturity out of the sinking fund or other resources.

*Second*—On the occurring of an unforeseen emergency, or casual deficiency of the revenue when the temporary liability incurred, upon the recommendation of the Governor first had, shall not exceed the sum of two hundred and fifty thousand dollars for any one year, to be paid in not more than two years from and after its creation.

*Third*—On the occurring of any unforeseen emergency or casual deficiency of the revenue, when the temporary liability incurred or to be incurred shall exceed the sum of two hundred and fifty thousand dollars for any one year, the General Assembly may submit an act, providing for the loan, or for the contracting of the liability, and containing a provision for levying a tax sufficient to pay the interest and principal when they become due, (the latter in not more than thirteen years from the date of its creation) to the qualified voters of the State,



and when the act so submitted shall have been ratified by a two-thirds majority, at an election held for that purpose, due publication having been made of the provisions of the act for at least three months before such election, the act thus ratified shall be irrevocable until the debt thereby incurred shall be paid, principal and interest.

SEC. 45. The General Assembly shall have no power to give or to lend, or to authorize the giving or lending of the credit of the State in aid of or to any person, association or corporation, whether municipal or other, or to pledge the credit of the State in any manner whatsoever, for the payment of the liabilities present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever.

SEC. 46. The General Assembly shall have no power to make any grant, or to authorize the making of any grant of public money or thing of value to any individual, association of individuals, municipal or other corporation whatsoever: *Provided*, That this shall not be so construed as to prevent the grant of aid in a case of public calamity.

SEC. 47. The General Assembly shall have no power to authorize any county, city, town or township, or other political corporation or subdivision of the State now existing, or that may be hereafter established, to lend its credit, or to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company.

SEC. 48. The General Assembly shall have no power to grant, or to authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after service has been rendered or a contract has been entered into and performed in whole or in part, nor pay nor authorize the payment of any claim hereafter created against the State, or any county or municipality of the State under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

SEC. 49. The General Assembly shall have no power hereafter to subscribe or authorize the subscription of stock on behalf of the State, in any corporation or association, except for the purpose of securing loans heretofore extended to certain railroad corporations by the State.

SEC. 50. The General Assembly shall have no power to release or alienate the lien held by the State upon any railroad, or in anywise change the tenor or meaning, or pass any act explanatory thereof; but the same shall be enforced in accordance with the original terms upon which it was acquired.

SEC. 51. The General Assembly shall have no power to release or extinguish, or authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any corporation or individual, to this State, or to any county or other municipal corporation therein.

SEC. 52. The General Assembly shall have no power to make any appropriation of money, or to issue any bonds or other evidences of indebtedness for the payment, or on account, or in recognition of any claims audited, or that may hereafter be audited by virtue of an act entitled "An act to audit and adjust the war debt of the State," approved March 19, 1874, or any act of a similar nature, until after the claims so audited shall have been presented to and



paid by the Government of the United States to the State of Missouri.

SEC. 53. The General Assembly shall not pass any local or special law:

Authorizing the creation, extension or impairing of liens:

Regulating the affairs of counties, cities, townships, wards or school districts:

Changing the names of persons or places:

Changing the venue in civil or criminal cases:

Authorizing the laying out, opening, altering or maintaining roads, highways, streets or alleys:

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State:

Vacating roads, town plats, streets or alleys:

Relating to cemeteries, grave yards or public grounds not of the State:

Authorizing the adoption or legitimation of children:

Locating or changing county seats:

Incorporating cities, towns or villages, or changing their charters:

For the opening and conducting of elections, or fixing or changing the places of voting:

Granting divorces:

Erecting new townships, or changing township lines, or the lines of school districts:

Creating offices, or prescribing the powers and duties of officers in counties, cities, townships, election or school districts:

Changing the law of descent or succession:

Regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate:

Regulating the fees or extending the powers and duties of aldermen, justices of the peace, magistrates or constables:

Regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes:

Fixing the rate of interest:

Affecting the estates of minors or persons under disability:

Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury:

Exempting property from taxation:

Regulating labor, trade, mining or manufacturing:

Creating corporations, or amending, renewing, extending or explaining the charter thereof:

Granting to any corporation, association or individual any special or exclusive right, privilege or immunity, or to any corporation, association or individual, the right to lay down a railroad track:

Declaring any named person of age:

Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of their official duties, or their securities from liability:

Giving effect to informal or invalid wills or deeds:

Summoning or empanneling grand or petit juries:

For limitation of civil actions:



Legalizing the unauthorized or invalid acts of any officer or agent of the State, or of any county or municipality thereof. In all other cases where a general law can be made applicable, no local or special law shall be enacted; and whether a general law could have been made applicable in any case, is hereby declared a judicial question, and as such shall be judicially determined without regard to any legislative assertion on that subject:

Nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed.

SEC. 54. No local or special law shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the General Assembly of such bill, and in the manner to be provided by law. The evidence of such notice having been published, shall be exhibited in the General Assembly before such act shall be passed, and the notice shall be recited in the act according to its tenor.

SEC. 55. The General Assembly shall have no power, when convened in extra session by the Governor, to act upon subjects other than those specially designated in the proclamation by which the session is called, or recommended by special message to its consideration by the Governor after it shall have been convened.

SEC. 56. The General Assembly shall have no power to remove the Seat of Government of this State from the City of Jefferson.

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

SECTION 1. The Executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General and Superintendent of Public Schools, all of whom, except the Lieutenant Governor, shall reside at the Seat of Government during their term of office, and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

SEC. 2. The term of office of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General and Superintendent of Public Schools, shall be four years from the second Monday of January next after their election, and until their successors are elected and qualified; and the Governor and State Treasurer shall be ineligible to re-election as their own successors. At the general election to be held in the year one thousand eight hundred and seventy-six, and every four years thereafter, all of such officers, except the Superintendent of Public Schools, shall be elected; and the Superintendent of Public schools shall be elected at the general election in the year one thousand eight hundred and seventy-eight, and every four years thereafter.

SEC. 3. The returns of every election for the above named officers shall be sealed up and transmitted by the returning officers to the Secretary of State, directed to the Speaker of the House of Representatives, who shall immediately after the organization of the House, and before proceeding to other business, open and publish the same in the



presence of a majority of each House of the General Assembly, who shall for that purpose assemble in the hall of the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more shall have an equal and the highest number of votes, the General Assembly shall, by joint vote, choose one of such persons for said office.

SEC. 4. The supreme Executive power shall be vested in a Chief Magistrate, who shall be styled "The Governor of the State of Missouri."

SEC. 5. The Governor shall be at least thirty-five years old, a male, and shall have been a citizen of the United States ten years, and a resident of this State seven years next before his election.

SEC. 6. The Governor shall take care that the laws are distributed and faithfully executed; and he shall be a conservator of the peace throughout the State.

SEC. 7. The Governor shall be Commander-in-Chief of the militia of this State, except when they shall be called into the service of the United States, and may call out the same to execute the laws, suppress insurrection and repel invasion; but he need not command in person unless directed so to do by a resolution of the General Assembly.

SEC. 8. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses, except treason and cases of impeachment, upon such condition and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall, at each session of the General Assembly, communicate to that body each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the commutation, pardon or reprieve, and the reason for granting the same.

SEC. 9. The Governor shall, from time to time, give to the General Assembly information relative to the state of the government, and shall recommend to its consideration such measures as he shall deem necessary and expedient. On extraordinary occasions he may convene the General Assembly by proclamation, wherein he shall state specifically each matter concerning which the action of that body is deemed necessary.

SEC. 10. The Governor shall, at the commencement of each session of the General Assembly, and at the close of his term of office, give information by message of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall account to the General Assembly, in such manner as may be prescribed by law, for all moneys received and paid out by him from any funds subject to his order, with vouchers; and at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes.

SEC. 11. When any office shall become vacant the Governor, unless otherwise provided by law, shall appoint a person to fill such vacancy, who shall continue in office until a successor shall have been duly elected or appointed and qualified according to law.

SEC. 12. The Governor shall consider all bills and joint resolutions, which, having been passed by both Houses of the General Assembly, shall be presented to him. He shall, within ten days after the same shall have been presented to him, return to the House in which they respectively originated, all such bills and joint resolutions, with his approval endorsed thereon, or accompanied by his objections: *Provided*, That if the General Assembly shall finally adjourn within



ten days after such presentation, the Governor may, within thirty days thereafter, return such bills and resolutions to the office of the Secretary of State, with his approval or reasons for disapproval.

SEC. 13. If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriations so objected to shall not take effect. If the General Assembly be in session, he shall transmit to the House in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If it be not in session, then he shall transmit the same within thirty days to the office of Secretary of State, with his approval or reasons for disapproval.

SEC. 14. Every resolution to which the concurrence of the Senate and House of Representatives may be necessary, except on questions of adjournment, of going into joint session, and of amending this Constitution, shall be presented to the Governor, and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill: *Provided*, That no resolution shall have the effect to repeal, extend, alter or amend any law.

SEC. 15. The Lieutenant Governor shall possess the same qualifications as the Governor, and by virtue of his office shall be President of the Senate. In Committee of the Whole he may debate all questions; and when there is an equal division he shall give the casting vote in the Senate, and also in joint vote of both Houses.

SEC. 16. In case of death, conviction or impeachment, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the Lieutenant Governor.

SEC. 17. The Senate shall choose a President *pro tempore* to preside in cases of the absence or impeachment of the Lieutenant Governor, or when he shall hold the office of Governor. If there be no Lieutenant Governor, or the Lieutenant Governor shall for any of the causes specified in section sixteen of this Article, become incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled or the disability removed; and if the President of the Senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Representatives, in the same manner, and with the same powers and compensation as are prescribed in the case of the office devolving upon the Lieutenant Governor.

SEC. 18. The Lieutenant Governor or the President *pro tempore* of the Senate, while presiding in the Senate, shall receive the same compensation as shall be allowed to the Speaker of the House of Representatives.

SEC. 19. No person shall be eligible to the office of Secretary of State, State Auditor, State Treasurer, Attorney General, or Superintendent of Public Schools, unless he be a male citizen of the United States and at least twenty-five years old, and shall have resided in this State at least five years next before his election.

SEC. 20. The Secretary of State shall be the custodian of the seal of the State, and authenticate therewith all official acts of the Governor, his approval of laws excepted. The said seal shall be called the



“Great Seal of the State of Missouri,” and the emblems and devices thereof, heretofore prescribed by law, shall not be subject to change.

SEC. 21. The Secretary of State shall keep a register of the official acts of the Governor, and when necessary, shall attest them, and lay copies of the same, together with copies of all papers relative thereto, before either House of the General Assembly whenever required to do so.

SEC. 22. An account shall be kept by the officers of the Executive Department of all moneys and choses in action disbursed, or otherwise disposed of by them, severally, from all sources, and for every service performed; and a semi-annual report thereof shall be made to the Governor under oath. The Governor may at any time require information, in writing, under oath, from the officers of the Executive Department, and all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions; which information, when so required, shall be furnished by such officers and managers, and any officer or manager who at any time shall make a false report, shall be guilty of perjury and punished accordingly.

SEC. 23. The Governor shall commission all officers not otherwise provided for by law. All commissions shall run in the name and by the authority of the State of Missouri, be signed by the Governor, sealed with the Great Seal of the State of Missouri, and attested by the Secretary of State.

SEC. 24. The officers named in this article shall receive for their services a salary to be established by law, which shall not be increased or diminished during their official terms; and they shall not, after the expiration of the terms of those in office at the adoption of this Constitution, receive to their own use any fees, costs, perquisites of office, or other compensation. All fees that may hereafter be payable by law for any service performed by any officer provided for in this Article shall be paid in advance into the State Treasury.

SEC. 25. Contested elections of Governor and Lieutenant Governor shall be decided by a joint vote of both Houses of the General Assembly, in such manner as may be provided by law; and contested elections of Secretary of State, State Auditor, State Treasurer, Attorney General and Superintendent of Public Schools shall be decided before such tribunal and in such manner as may be provided by law.

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State, as to matters of law and equity, except as in this Constitution otherwise provided, shall be vested in a Supreme Court, the St. Louis Court of Appeals, Circuit Courts, Criminal Courts, Probate Courts, County Courts, and Municipal Corporation Courts.

SEC. 2. The Supreme Court, except in cases otherwise directed by this Constitution, shall have appellate jurisdiction only, which shall be coextensive with the State, under the restrictions and limitations in this Constitution provided.

SEC. 3. The Supreme Court shall have a general snperintending control over all inferior courts. It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, and other original remedial writs, and to hear and determine the same.



SEC. 4. The judges of the Supreme Court shall hold office for the term of ten years. The judge oldest in commission shall be Chief Justice of the Court; and if there be more than one commission of the same date, the court may select the Chief Justice from the judges holding the same.

SEC. 5. The Supreme Court shall consist of five judges, any three of whom shall constitute a quorum; and said judges shall be conservators of the peace throughout the State, and shall be elected by the qualified voters thereof.

SEC. 6. The judges of the Supreme Court shall be citizens of the United States, not less than thirty years old, and shall have been citizens of this State for five years next preceding their election or appointment, and shall be learned in the law.

SEC. 7. The full terms of the judges of the Supreme Court shall commence on the first day of January next ensuing their election, and those elected to fill any vacancy shall also enter upon the discharge of their duties on the first day of January next ensuing such election. Those appointed shall enter upon the discharge of their duties as soon as qualified.

SEC. 8. The present judges of the Supreme Court shall remain in office until the expiration of their respective terms of office. To fill their places as their terms expire, one judge shall be elected at the general election in eighteen hundred and seventy-six, and one every two years thereafter.

SEC. 9. The Supreme Court shall be held at the Seat of Government at such times as may be prescribed by law; and until otherwise directed by law, the terms of said court shall commence on the third Tuesday in October and April of each year.

SEC. 10. The State shall provide a suitable court room at the Seat of Government, in which the Supreme Court shall hold its sessions; also a clerk's office, furnished offices for the judges, and the use of the State Library.

SEC. 11. If, in any cause pending in the Supreme Court, or the St. Louis Court of Appeals, the judges sitting shall be equally divided in opinion, no judgment shall be entered therein based on such division; but the parties to the cause may agree upon some person, learned in the law, to act as special judge in the cause, who shall therein sit with the court, and give decision in the same manner and with the same effect as one of the judges. If the parties cannot agree upon a special judge, the court shall appoint one.

SEC. 12. There is hereby established in the city of St. Louis an appellate court, to be known as the "St. Louis Court of Appeals," the jurisdiction of which shall be coextensive with the city of St. Louis and the counties of St. Louis, St. Charles, Lincoln and Warren. Said court shall have power to issue writs of habeas corpus, quo warranto, mandamus, certiorari, and other original remedial writs, and to hear and determine the same; and shall have a superintending control over all inferior courts of record in said counties. Appeals shall lie from the decisions of the St. Louis Court of Appeals to the Supreme Court, and writs of error may issue from the Supreme Court to said court in the following cases only: In all cases where the amount in dispute, exclusive of costs, exceeds the sum of two thousand five hundred dollars; in cases involving the construction of the Constitution of the United States or of this State; in cases where the validity of a treaty or statute of, or authority exercised under the United States is drawn in question; in cases involving the construc-



tion of the revenue laws of this State, or the title to any office under this State; in cases involving title to real estate; in cases where a county or other political subdivision of the State, or any State officer is a party, and in all cases of felony.

SEC. 13. The St. Louis Court of Appeals shall consist of three judges, to be elected by the qualified voters of the city of St. Louis, and the counties of St. Louis, St. Charles, Lincoln and Warren, who shall hold their offices for the period of twelve years. They shall be residents of the district composed of said counties, shall possess the same qualifications as judges of the Supreme Court, and each shall receive the same compensation as is now, or may be, provided by law for the judges of the circuit court of St. Louis county, and be paid from the same sources: *Provided*, That each of said counties shall pay its proportional part of the same according to its taxable property.

SEC. 14. The judges of said court shall be conservators of the peace throughout said counties. Any two of said judges shall constitute a quorum. There shall be two terms of said court to be held each year, on the first Monday of March and October, and the first term of said court shall be held on the first Monday of January, 1876.

SEC. 15. The opinions of said court shall be in writing, and shall be filed in the cases in which they shall be respectively made, and become parts of their record; and all laws relating to the practice in the Supreme Court shall apply to this court, so far as the same may be applicable.

SEC. 16. At the first general election held in said city and counties after the adoption of this Constitution, three judges of said court shall be elected, who shall determine by lot the duration of their several terms of office, which shall be respectively four, eight and twelve years, and certify the result to the Secretary of State; and every four years thereafter one judge of said court shall be elected to hold office for the term of twelve years. The term of office of such judges shall begin on the first Monday in January next ensuing their election. The judge having the oldest license to practice law in this State, shall be the presiding judge of said court.

SEC. 17. Upon the adoption of this Constitution the Governor shall appoint three judges for said court, who shall hold their offices until the first Monday of January, eighteen hundred and seventy-seven, and until their successors shall be duly qualified.

SEC. 18. The clerk of the Supreme Court at St. Louis shall be the clerk of the St. Louis Court of Appeals until the expiration of the term for which he was appointed clerk of the Supreme Court, and until his successor shall be duly qualified.

SEC. 19. All cases which may be pending in the Supreme Court at St. Louis at the time of the adoption of this Constitution, which by its terms would come within the final appellate jurisdiction of the St. Louis Court of Appeals, shall be certified and transferred to the St. Louis Court of Appeals, to be heard and determined by said court.

SEC. 20. All cases coming to said court by appeal, or writ of error, shall be triable at the expiration of fifteen days from the filing of the transcript in the office of the clerk of said court.

SEC. 21. Upon the adoption of this Constitution, and after the close of the next regular terms of the Supreme Court at St. Louis and St. Joseph, as now established by law, the office of the clerk of the Supreme Court at St. Louis and St. Joseph shall be vacated, and said clerks shall transmit to the clerk of the Supreme Court at Jefferson



City all the books, records, documents, transcripts and papers belonging to their respective offices, except those required by section nineteen of this Article, to be turned over to the St. Louis Court of Appeals; and said records, documents, transcripts and papers shall become part of the records, documents, transcripts and papers of said Supreme Court at Jefferson City, and said court shall hear and determine all the cases thus transferred as other cases.

SEC. 22. The circuit court shall have jurisdiction over all criminal cases not otherwise provided for by law; exclusive original jurisdiction in all civil cases not otherwise provided for; and such concurrent jurisdiction with, and appellate jurisdiction from, inferior tribunals and justices of the peace as is or may be provided by law. It shall hold its terms at such times and places in each county as may be by law directed; but at least two terms shall be held every year in each county.

SEC. 23. The circuit court shall exercise a superintending control over criminal courts, probate courts, county courts, municipal corporation courts, justices of the peace, and all inferior tribunals in each county in their respective circuits.

SEC. 24. The State, except as otherwise provided in this Constitution, shall be divided into convenient circuits of contiguous counties, in each of which circuits one circuit judge shall be elected; and such circuits may be changed, enlarged, diminished or abolished from time to time, as public convenience may require; and whenever a circuit shall be abolished, the office of the judge of such circuit shall cease.

SEC. 25. The judges of the circuit courts shall be elected by the qualified voters of each circuit; shall hold their offices for the term of six years, and shall reside in and be conservators of the peace within their respective circuits.

SEC. 26. No person shall be eligible to the office of judge of the circuit court who shall not have attained the age of thirty years, been a citizen of the United States five years, a qualified voter of this State for three years, and who shall not be a resident of the circuit in which he may be elected or appointed.

SEC. 27. The circuit court of St. Louis county shall be composed of five judges, and such additional number as the General Assembly may from time to time provide. Each of said judges shall sit separately for the trial of causes and the transaction of business in special term. The judges of said circuit court may sit in general term, for the purpose of making rules of court, and for the transaction of such other business as may be provided by law, at such time as they may determine, but shall have no power to review any order, decision or proceeding of the court in special term. The St. Louis Court of Appeals shall have exclusive jurisdiction of all appeals from, and writs of error to the circuit courts of St. Charles, Lincoln and Warren counties, and the circuit court of St. Louis county in special term, and all courts of record having criminal jurisdiction in said counties.

SEC. 28. In any circuit composed of a single county, the General Assembly may, from time to time, provide for one or more additional judges, as the business shall require; each of whom shall separately try cases and perform all other duties imposed upon circuit judges.

SEC. 29. If there be a vacancy in the office of judge of any circuit, or if the judge be sick, absent, or from any cause unable to hold any term, or part of term of court, in any county in his circuit, such term, or part of term of court, may be held by a judge of any other circuit; and at the request of the judge of any circuit, any term of court, or



part of term in his circuit, may be held by the judge of any other circuit, and in all such cases, or in any case where the judge cannot preside, the General Assembly shall make such additional provision for holding court as may be found necessary.

SEC. 30. The election of judges of all courts of record shall be held as is or may be provided by law, and in case of a tie or contested election between the candidates, the same shall be determined as prescribed by law.

SEC. 31. The General Assembly shall have no power to establish criminal courts, except in counties having a population exceeding fifty thousand.

SEC. 32. In case the office of judge of any court of record become vacant by death, resignation, removal, failure to qualify, or otherwise, such vacancy shall be filled in the manner provided by law.

SEC. 33. The judges of the Supreme, Appellate and Circuit courts, and of all other courts of record receiving a salary, shall, at stated times, receive such compensation for their services as is or may be prescribed by law; but it shall not be increased or diminished during the period for which they were elected.

SEC. 34. The General Assembly shall establish in every county a probate court, which shall be a court of record, and consist of one judge, who shall be elected. Said court shall have jurisdiction over all matters pertaining to probate business, to granting letters testamentary, and of administration, the appointment of guardians and curators of minors, and persons of unsound mind, settling the accounts of executors, administrators, curators and guardians, and the sale or leasing of lands by administrators, curators and guardians; and also jurisdiction over all matters relating to apprentices: *Provided*, That until the General Assembly shall provide by law for a uniform system of probate courts, the jurisdiction of probate courts heretofore established shall remain as now provided by law.

SEC. 35. Probate courts shall be uniform in their organization, jurisdiction, duties and practice, except that a separate clerk may be provided for, or the judge may be required to act, *ex officio*, as his own clerk.

SEC. 36. In each county there shall be a county court, which shall be a court of record, and shall have jurisdiction to transact all county and such other business as may be prescribed by law. The court shall consist of one or more judges, not exceeding three, of whom the probate judge may be one, as may be provided by law.

SEC. 37. In each county there shall be appointed, or elected, as many justices of the peace as the public good may require, whose powers, duties and duration in office shall be regulated by law.

SEC. 38. All writs and process shall run, and all prosecutions shall be conducted, in the name of the "State of Missouri;" all writs shall be attested by the clerk of the court from which they shall be issued; and all indictments shall conclude "against the peace and dignity of the State."

SEC. 39. The St. Louis Court of Appeals and Supreme Court, shall appoint their own clerks. The clerks of all other courts of record shall be elective, for such terms and in such manner as may be directed by law: *Provided*, That the term of office of no existing clerk of any court of record, not abolished by this Constitution, shall be affected by such law.

SEC. 40. In case there be a tie, or a contested election between candidates, for clerk of any court of record, the same shall be determined in such manner as may be directed by law.



SEC. 41. In case of the inability of any judge of a court of record to discharge the duties of his office with efficiency by reason of continued sickness, or physical or mental infirmity, it shall be in the power of the General Assembly, two-thirds of the members of each House concurring, with the approval of the Governor, to remove such judge from office; but each House shall state on its respective journal, the cause for which it shall wish his removal, and give him notice thereof, and he shall have the right to be heard in his defense, in such manner as the General Assembly shall by law direct.

SEC. 42. All courts now existing in this State, not named or provided for in this Constitution, shall continue until the expiration of the terms of office of the several judges; and as such terms expire, the business of said courts shall vest in the court having jurisdiction thereof in the counties where said courts now exist, and all the records and papers shall be transferred to the proper courts.

SEC. 43. The Supreme Court of the State shall designate what opinions delivered by the Court, or the judges thereof, may be printed at the expense of the State; and the General Assembly shall make no provision for payment by the State for the publication of any case decided by said court not so designated.

SEC. 44. All judicial decisions in this State shall be free for publication by any person.

## ARTICLE VII.

### IMPEACHMENTS.

SECTION 1. The Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Public Schools, and Judges of the Supreme, Circuit and Criminal Courts, and of the St. Louis Court of Appeals, shall be liable to impeachment for high crimes or misdemeanors, and for misconduct, habits of drunkenness, or oppression in office.

SEC. 2. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose the Senators shall be sworn to do justice according to law and evidence. When the Governor of the State is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators present. But judgment in such cases shall not extend any further than removal from office, and disqualification to hold any office of honor, trust or profit under this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

## ARTICLE VIII.

### SUFFRAGE AND ELECTIONS.

SECTION 1. The general election shall be held biennially on the Tuesday next following the first Monday in November. The first general election under this Constitution, shall be held on that day, in the year one thousand eight hundred and seventy-six; but the General Assembly may, by law, fix a different day—two-thirds of all the members of each House consenting thereto.

SEC. 2. Every male citizen of the United States, and every male person of foreign birth, who may have declared his intention to be-



come a citizen of the United States according to law, not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections by the people:

*First*—He shall have resided in the State one year immediately preceding the election at which he offers to vote.

*Second*—He shall have resided in the county, city or town where he shall offer to vote, at least sixty days immediately preceding the election.

SEC. 3. All elections by the people shall be by ballot; every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the voter who presents the ballot. The election officers shall be sworn or affirmed not to disclose how any voter shall have voted, unless required to do so as witnesses in a judicial proceeding: *Provided*, That in all cases of contested elections the ballots cast may be counted, compared with the list of voters, and examined under such safeguards and regulations as may be prescribed by law.

SEC. 4. Voters shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

SEC. 5. The General Assembly shall provide by law for the registration of all voters in cities and counties having a population of more than one hundred thousand inhabitants, and may provide for such registration in cities having a population exceeding twenty-five thousand inhabitants and not exceeding one hundred thousand, but not otherwise.

SEC. 6. All elections, by persons in a representative capacity, shall be *viva voce*.

SEC. 7. For the purpose of voting, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State, or of the United States; nor while engaged in the navigation of the waters of the State, or of the United States, or of the high seas, nor while a student of any institution of learning, nor while kept in a poor-house, or other asylum at public expense, nor while confined in public prison.

SEC. 8. No person, while kept at any poor-house, or other asylum at public expense, nor while confined in any public prison, shall be entitled to vote at any election under the laws of this State.

SEC. 9. The trial and determination of contested elections of all public officers, whether State, judicial, municipal or local, except Governor and Lieutenant Governor, shall be by the courts of law, or by one or more of the judges thereof. The General Assembly shall, by general law, designate the court or judge by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law, assigning jurisdiction or regulating its exercise, shall apply to any contest arising out of any election held before said law shall take effect.

SEC. 10. The General Assembly may enact laws excluding from the right of voting all persons convicted of felony or other infamous crime, or misdemeanors connected with the exercise of the right of suffrage.

SEC. 11. No officer, soldier or marine, in the regular army or navy of the United States, shall be entitled to vote at any election in this State.



SEC. 12. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding his election or appointment.

## ARTICLE IX.

### COUNTIES, CITIES AND TOWNS.

SECTION 1. The several counties of this State, as they now exist, are hereby recognized as legal subdivisions of the State.

SEC. 2. The General Assembly shall have no power to remove the county seat of any county, but the removal of county seats shall be provided for by general law; and no county seat shall be removed unless two-thirds of the qualified voters of the county, voting on the proposition at a general election, vote therefor; and no such proposition shall be submitted oftener than once in five years. All additions to a town, which is a county seat, shall be included, considered and regarded as part of the county seat.

SEC. 3. The General Assembly shall have no power to establish any new county with a territory of less than four hundred and ten square miles; nor to reduce any county, now established, to a less area or less population than required for a ratio of representation existing at the time; but when a new county is formed, having a population less than a ratio of representation, it shall be attached for representative purposes to the county from which the greatest amount of territory is taken until such ratio shall be obtained. No county shall be divided or have any portion stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the qualified voters of the county or counties thus affected, voting on the question, shall vote therefor; nor shall any new county be established, any line of which shall run within ten miles of the then existing county seat of any county. In all cases of the establishment of any new county, the new county shall be held for and obliged to pay its ratable proportion of all the liabilities then existing of the county or counties from which said new county shall be formed.

SEC. 4. No part of the territory of any county shall be stricken off and added to an adjoining county, without submitting the question to the qualified voters of the counties immediately interested, nor unless a majority of all the qualified voters of the counties thus affected, voting on the question, shall vote therefor. When any part of a county is stricken off and attached to another county, the part stricken off shall be holden for, and obliged to pay, its proportion of all the liabilities then existing of the county from which it is taken.

SEC. 5. When any new county, formed from contiguous territory taken from older counties, or when any county, to which territory shall be added taken from an adjoining county, shall fail to pay the proportion of indebtedness of such territory, to the county or counties from which it is taken, then it may be lawful for any county from which such territory has been taken, to levy and collect, by taxation, the due proportion of indebtedness of such territory, in the same manner as if the territory had not been stricken off.

SEC. 6. No county, township, city or other municipality, shall hereafter become a subscriber to the capital stock of any railroad or other corporation or association, or make appropriation or donation, or



loan its credit to, or in aid of any such corporation or association, or to or in aid of any college or institution of learning, or other institution, whether created for or to be controlled by the State or others. All authority heretofore conferred for any of the purposes aforesaid by the General Assembly, or by the charter of any corporation, is hereby repealed: *Provided, however,* That nothing in this Constitution contained shall affect the right of any such municipality to make such subscription, where the same has been authorized under existing laws by a vote of the people of such municipality prior to its adoption, or to prevent the issue of renewal bonds or the use of such other means as are or may be prescribed by law, for the liquidation or payment of such subscription, or of any existing indebtedness.

SEC. 7. The General Assembly shall provide, by general laws, for the organization and classification of cities and towns. The number of such classes shall not exceed four; and the power of each class shall be defined by general laws, so that all such municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. The General Assembly shall also make provisions, by general law, whereby any city, town or village, existing by virtue of any special or local law, may elect to become subject to, and be governed by, the general laws relating to such corporations.

SEC. 8. The General Assembly may provide, by general law, for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting at any general election, shall so determine; and whenever any county shall adopt township organization, so much of this Constitution as provides for the management of county affairs, and the assessment and collection of the revenue by county officers, in conflict with such general law for township organization, may be dispensed with, and the business of said county, and the local concerns of the several townships therein, may be transacted in such manner as may be prescribed by law: *Provided,* That the justices of the county court in such case shall not exceed three in number.

SEC. 9. In any county which shall have adopted "Township Organization," the question of continuing the same may be submitted to a vote of the electors of such county at a general election, in the manner that shall be provided by law; and if a majority of all the votes cast upon that question shall be against township organization, it shall cease in said county; and all laws in force in relation to counties not having township organization, shall immediately take effect and be in force in such county.

SEC. 10. There shall be elected by the qualified voters in each county, at the time and places of electing representatives, a sheriff and coroner. They shall serve for two years, and until their successors be duly elected and qualified, unless sooner removed for malfeasance in office, and shall be eligible only four years in any period of six. Before entering on the duties of their office, they shall give security in the amount and in such manner as shall be prescribed by law. Whenever a county shall be hereafter established, the Governor shall appoint a sheriff and a coroner therein, who shall continue in office until the next succeeding general election, and until their successors shall be duly elected and qualified.

SEC. 11. Whenever a vacancy shall happen in the office of sheriff or coroner, the same shall be filled by the county court. If such vacancy happen in the office of sheriff more than nine months prior to the time of holding a general election, such county court shall imme-



diately order a special election to fill the same, and the person by it appointed shall hold office until the person chosen at such election shall be duly qualified; otherwise, the person appointed by such county court shall hold office until the person chosen at such general election shall be duly qualified. If any vacancy happen in the office of coroner, the same shall be filled for the remainder of the term by such county court. No person elected or appointed to fill a vacancy in either of said offices shall thereby be rendered ineligible for the next succeeding term.

SEC. 12. The General Assembly shall, by a law uniform in its operation, provide for and regulate the fees of all county officers, and for this purpose may classify the counties by population.

SEC. 13. The fees of no executive or ministerial officer of any county or municipality, exclusive of the salaries actually paid to his necessary deputies, shall exceed the sum of ten thousand dollars for any one year. Every such officer shall make return, quarterly, to the county court of all fees by him received, and of the salaries by him actually paid to his deputies or assistants, stating the same in detail, and verifying the same by his affidavit; and for any statement or omission in such return, contrary to truth, such officer shall be liable to the penalties of willful and corrupt perjury.

SEC. 14. Except as otherwise directed by this Constitution, the General Assembly shall provide for the election or appointment of such other county, township and municipal officers, as public convenience may require; and their terms of office and duties shall be prescribed by law; but no term of office shall exceed four years.

SEC. 15. In all counties having a city therein containing over one hundred thousand inhabitants, the city and county government thereof may be consolidated in such manner as may be provided by law.

SEC. 16. Any city having a population of more than one hundred thousand inhabitants, may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of thirteen freeholders, who shall have been for at least five years qualified voters thereof, to be elected by the qualified voters of such city at any general or special election; which board shall, within ninety days after such election, return to the chief magistrate of such city a draft of such charter, signed by the members of such board or a majority of them. Within thirty days thereafter such proposed charter shall be submitted to the qualified voters of such city at a general or special election, and if four-sevenths of such qualified voters voting thereat, shall ratify the same, it shall, at the end of thirty days thereafter, become the charter of such city and supersede any existing charter and amendments thereof. A duplicate certificate shall be made setting forth the charter proposed and its ratification, which shall be signed by the chief magistrate of such city and authenticated by its corporate seal. One of such certificates shall be deposited in the office of the Secretary of State, and the other, after being recorded in the office of the recorder of deeds for the county in which such city lies, shall be deposited among the archives of such city, and all courts shall take judicial notice thereof. Such charter so adopted may be amended by a proposal therefor, made by the law-making authorities of such city, published for at least thirty days in three newspapers of largest circulation in such city, one of which shall be a newspaper printed in the German language, and accepted by three-fifths of the qualified voters of such



city, voting at a general or special election, and not otherwise; but such charter shall always be in harmony with and subject to the Constitution and laws of the State.

SEC. 17. It shall be a feature of all such charters that they shall provide, among other things, for a mayor or chief magistrate, and two houses of legislation, one of which at least shall be elected by general ticket; and in submitting any such charter or amendment thereto to the qualified voters of such city, any alternative section or article may be presented for the choice of the voters, and may be voted on separately, and accepted or rejected separately, without prejudice to other articles or sections of the charter or any amendment thereto.

SEC. 18. In cities or counties having more than two hundred thousand inhabitants, no person shall, at the same time, be a State officer and an officer of any county, city or other municipality; and no person shall, at the same time, fill two municipal offices, either in the same or different municipalities; but this section shall not apply to notaries public, justices of the peace or officers of the militia.

SEC. 19. The corporate authorities of any county, city, or other municipal subdivision of this State, having more than two hundred thousand inhabitants, which has already exceeded the limit of indebtedness prescribed in section twelve of Article X. of this Constitution, may, in anticipation of the customary annual revenue thereof, appropriate during any fiscal year towards the general governmental expenses thereof, a sum not exceeding seven-eighths of the entire revenue applicable to general governmental purposes (exclusive of the payment of the bonded debt of such county, city or municipality) that was actually raised by taxation alone during the preceding fiscal year; but until such excess of indebtedness cease no further bonded debt shall be incurred, except for the renewal of other bonds.

#### ST. LOUIS.

SEC. 20. The city of St. Louis may extend its limits so as to embrace the parks now without its boundaries, and other convenient and contiguous territory, and frame a charter for the government of the city thus enlarged upon the following conditions, that is to say: The council of the city and county court of the county of St. Louis, shall, at the request of the mayor of the city of St. Louis, meet in joint session and order an election, to be held as provided for general elections, by the qualified voters of the city and county, of a board of thirteen freeholders of such city or county, whose duty shall be to propose a scheme for the enlargement and definition of the boundaries of the city, the reorganization of the government of the county, the adjustment of the relations between the city thus enlarged, and the residue of St. Louis county and the government of the city thus enlarged, by a charter in harmony with and subject to the Constitution and laws of Missouri, which shall, among other things, provide for a chief executive and two houses of legislation, one of which shall be elected by general ticket, which scheme and charter shall be signed in duplicate by said board or a majority of them, and one of them returned to the mayor of the city and the other to the presiding justice of the county court within ninety days after the election of such board. Within thirty days thereafter the city council and county court shall submit such scheme to the qualified voters of the whole county and such charter to the qualified voters of the city so enlarged, at an election to be held not less than twenty nor more than thirty days after the order therefor; and if a majority of such qualified voters, voting at such



election, shall ratify such scheme and charter, then such scheme shall become the organic law of the county and city, and such charter the organic law of the city, and at the end of sixty days thereafter shall take the place of and supersede the charter of St. Louis and all amendments thereof, and all special laws relating to St. Louis county inconsistent with such scheme.

SEC. 21. A copy of such scheme and charter, with a certificate thereto appended, signed by the mayor and authenticated by the seal of the city, and also signed by the presiding justice of the county court and authenticated by the seal of the county, setting forth the submission of such scheme and charter to the qualified voters of such county and city and its ratification, by them, shall be made in duplicate, one of which shall be deposited in the office of the Secretary of State, and the other, after being recorded in the office of the recorder of deeds of St. Louis county, shall be deposited among the archives of the city, and thereafter all courts shall take judicial notice thereof.

SEC. 22. The charter so ratified may be amended at intervals of not less than two years, by proposals therefor, submitted by the law making authorities of the city to the qualified voters thereof at a general or special election, held at least sixty days after the publication of such proposals, and accepted by at least three-fifths of the qualified voters voting thereat.

SEC. 23. Such charter and amendments shall always be in harmony with, and subject to, the Constitution and laws of Missouri, except only, that provision may be made for the graduation of the rate of taxation for city purposes in the portions of the city which are added thereto by the proposed enlargement of its boundaries. In the adjustment of the relations between city and county, the city shall take upon itself the entire park tax; and in consideration of the city becoming the proprietor of all the county buildings and property within its enlarged limits, it shall assume the whole of the existing county debt, and thereafter the city and county of St. Louis shall be independent of each other. The city shall be exempted from all county taxation. The judges of the county court shall be elected by the qualified voters outside of the city. The city, as enlarged, shall be entitled to the same representation in the General Assembly, collect the State revenue and perform all other functions in relation to the State, in the same manner, as if it were a county as in this Constitution defined; and the residue of the county shall remain a legal county of the State of Missouri, under the name of the county of St. Louis. Until the next apportionment for senators and representatives in the General Assembly, the city shall have six senators and fifteen representatives, and the county one senator and two representatives, the same being the number of senators and representatives to which the county of St. Louis, as now organized, is entitled under sections eight and eleven of Article IV. of this Constitution.

SEC. 24. The county and city of St. Louis, as now existing, shall continue to constitute the Eighth Judicial Circuit, and the jurisdiction of all courts of record, except the county court, shall continue until otherwise provided by law.

SEC. 25. Notwithstanding the provisions of this Article, the General Assembly shall have the same power over the city and county of St. Louis that it has over other cities and counties of this State.



## ARTICLE X.

## REVENUE AND TAXATION.

SECTION 1. The taxing power may be exercised by the General Assembly for State purposes, and by counties and other municipal corporations, under authority granted to them by the General Assembly, for county and other corporate purposes.

SEC. 2. The power to tax corporations and corporate property shall not be surrendered or suspended by act of the General Assembly.

SEC. 3. Taxes may be levied and collected for public purposes only. They shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and all taxes shall be levied and collected by general laws.

SEC. 4. All property subject to taxation shall be taxed in proportion to its value.

SEC. 5. All railroad corporations in this State, or doing business therein, shall be subject to taxation for State, county, school, municipal, and other purposes, on the real and personal property owned or used by them, and on their gross earnings, their net earnings, their franchises, and their capital stock.

SEC. 6. The property, real and personal, of the State, counties and other municipal corporations, and cemeteries, shall be exempt from taxation. Lots in incorporated cities or towns, or within one mile of the limits of any such city or town, to the extent of one acre, and lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, may be exempted from taxation when the same are used exclusively for religious worship, for schools, or for purposes purely charitable; also, such property, real or personal, as may be used exclusively for Agricultural or Horticultural Societies: *Provided*, That such exemptions shall be only by general law.

SEC. 7. All laws exempting property from taxation, other than the property above enumerated, shall be void.

SEC. 8. The State tax on property, exclusive of the tax necessary to pay the bonded debt of the State, shall not exceed twenty cents on the hundred dollars' valuation; and whenever the taxable property of the State shall amount to nine hundred million dollars, the rate shall not exceed fifteen cents.

SEC. 9. No county, city, town or other municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

SEC. 10. The General Assembly shall not impose taxes upon counties, cities, towns or other municipal corporations, or upon the inhabitants or property thereof, for county, city, town or other municipal purposes; but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

SEC. 11. Taxes for county, city, town and school purposes, may be levied on all subjects and objects of taxation; but the valuation of property therefor shall not exceed the valuation of the same property in such town, city or school district for State and county



purposes. For county purposes the annual rate on property, in counties having six million dollars or less, shall not, in the aggregate, exceed fifty cents on the hundred dollars valuation; in counties having six million dollars and under ten million dollars, said rate shall not exceed forty cents on the hundred dollars valuation; in counties having ten million dollars and under thirty million dollars, said rate shall not exceed fifty cents on the hundred dollars valuation; and in counties having thirty million dollars or more, said rate shall not exceed thirty-five cents on the hundred dollars valuation. For city and town purposes the annual rate on property in cities and towns having thirty thousand inhabitants or more, shall not, in the aggregate, exceed one hundred cents on the hundred dollars valuation; in cities and towns having less than thirty thousand and over ten thousand inhabitants, said rate shall not exceed sixty cents on the hundred dollars valuation; in cities and towns having less than ten thousand and more than one thousand inhabitants, said rate shall not exceed fifty cents on the hundred dollars valuation; and in towns having one thousand inhabitants or less, said rate shall not exceed twenty-five cents on the hundred dollars valuation. For school purposes in districts, the annual rate on property shall not exceed forty cents on the hundred dollars valuation: *Provided*, The aforesaid annual rates for school purposes may be increased in districts formed of cities and towns, to an amount not to exceed one dollar on the hundred dollars valuation; and in other districts to an amount not to exceed sixty-five cents on the hundred dollars valuation, on the condition that a majority of the voters who are taxpayers, voting at an election held to decide the question, vote for said increase. For the purpose of erecting public buildings in counties, cities or school districts, the rates of taxation herein limited may be increased when the rate of such increase and the purpose for which it is intended shall have been submitted to a vote of the people, and two-thirds of the qualified voters of such county, city, or school district, voting at such election shall vote therefor. The rate herein allowed to each county shall be ascertained by the amount of taxable property therein, according to the last assessment for State and county purposes, and the rate allowed to each city or town by the number of inhabitants, according to the last census taken under the authority of the State, or of the United States; said restrictions, as to rates, shall apply to taxes of every kind and description, whether general or special, except taxes to pay valid indebtedness now existing or bonds which may be issued in renewal of such indebtedness.

SEC. 12. No county, city, town, township, school district or other political corporation or subdivision of the State, shall be allowed to become indebted in any manner or for any purpose to an amount exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the voters thereof voting at an election to be held for that purpose; nor in cases requiring such assent shall any indebtedness be allowed to be incurred to an amount including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the assessment next before the last assessment for State and county purposes, previous to the incurring of such indebtedness: *Provided*, That with such assent any county may be allowed to become indebted to a larger amount for the erection of a court house



or jail: *And provided further*, That any county, city, town, township, school district, or other political corporation, or subdivision of the State, incurring any indebtedness, requiring the assent of the voters as aforesaid, shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for payment of the principal thereof, within twenty years from the time of contracting the same.

SEC. 13. Private property shall not be taken or sold for the payment of the corporate debt of a municipal corporation.

SEC. 14. The tax authorized by the sixth section of the Ordinance adopted June sixth, one thousand eight hundred and sixty-five, is hereby abolished, and hereafter there shall be levied and collected an annual tax sufficient to pay the accruing interest upon the bonded debt of the State, and to reduce the principal thereof each year by a sum not less than two hundred and fifty thousand dollars; the proceeds of which tax shall be paid into the State Treasury, and appropriated and paid out for the purposes expressed in the first and second subdivisions of section forty-three of Article IV. of this Constitution. The funds and resources now in the State Interest and State Sinking Funds shall be appropriated to the same purposes; and whenever said bonded debt is extinguished, or a sum sufficient therefor has been raised, the tax provided for in this section shall cease to be assessed.

SEC. 15. All moneys now, or at any time hereafter, in the State Treasury, belonging to the State, shall, immediately on receipt thereof, be deposited by the Treasurer to the credit of the State for the benefit of the funds to which they respectively belong in such bank or banks, as he may, from time to time, with the approval of the Governor and Attorney General select, the said bank or banks giving security, satisfactory to the Governor and Attorney General, for the safe keeping and payment of such deposits, when demanded by the State Treasurer on his checks—such bank to pay a bonus for the use of such deposits not less than the bonus paid by other banks for similar deposits; and the same, together with such interest and profits as may accrue thereon, shall be disbursed by said Treasurer for the purposes of the State, according to law, upon warrants drawn by the State Auditor, and not otherwise.

SEC. 16. The Treasurer shall keep a separate account of the funds, and the number and amount of warrants received, and from whom; and shall publish, in such manner as the Governor may designate, quarterly statements, showing the amount of State moneys, and where the same are kept or deposited.

SEC. 17. The making of profit out of State, county, city, town or school-district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

SEC. 18. There shall be a State Board of Equalization, consisting of the Governor, State Auditor, State Treasurer, Secretary of State and Attorney General. The duty of said board shall be to adjust and equalize the valuation of real and personal property among the several counties in the State, and it shall perform such other duties as are or may be prescribed by law.

SEC. 19. No moneys shall ever be paid out of the treasury of this State, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be



made, or a warrant shall have issued therefor, within two years after the passage of such appropriation act; and every such law, making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such sum or object. A regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

SEC. 20. The moneys arising from any loan, debt or liability, contracted by the State, or any county, city, town, or other municipal corporation, shall be applied to the purposes for which they were obtained, or to the repayment of such debt or liability, and not otherwise.

SEC. 21. No corporation, company or association, other than those formed for benevolent, religious, scientific or educational purposes, shall be created or organized under the laws of this State, unless the persons named as incorporators shall, at or before the filing of the articles of association or incorporation, pay into the State treasury fifty dollars, for the first fifty thousand dollars or less of capital stock, and a further sum of five dollars for every additional ten thousand dollars of its capital stock. And no such corporation, company or association shall increase its capital stock without first paying into the treasury five dollars for every ten thousand dollars of increase: *Provided*, That nothing contained in this section shall be construed to prohibit the General Assembly from levying a further tax on the franchises of such corporation.

## ARTICLE XI.

### EDUCATION.

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this State between the ages of six and twenty years.

SEC. 2. The income of all the funds provided by the State for the support of free public schools, shall be paid annually to the several county treasurers, to be disbursed according to law; but no school district, in which a free public school has not been maintained at least three months during the year for which the distribution is made, shall be entitled to receive any portion of such funds.

SEC. 3. Separate free public schools shall be established for the education of children of African descent.

SEC. 4. The supervision of instruction in the public schools shall be vested in a "Board of Education," whose powers and duties shall be prescribed by law. The Superintendent of Public Schools shall be President of the Board. The Governor, Secretary of State and Attorney General shall be *ex officio* members, and with the Superintendent, compose said Board of Education.

SEC. 5. The General Assembly shall, whenever the Public School Fund will permit, and the actual necessity of the same may require, aid and maintain the State University now established with its present departments. The government of the State University shall be vested in a Board of Curators, to consist of nine members, to be appointed by the Governor, by and with the advice and consent of the Senate.



SEC. 6. The proceeds of all lands that have been, or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds, lands and other property now belonging to any State fund for purposes of education; also, the net proceeds of all sales of lands and other property and effects that may accrue to the State by escheat, from unclaimed dividends and distributive shares of the estates of deceased persons; also, any proceeds of the sales of the public lands which may have been or hereafter may be paid over to this State, (if Congress will consent to such appropriation); also, all other grants, gifts or devises that have been, or hereafter may be made to this State, and not otherwise appropriated by the State or the terms of the grant, gift or devise, shall be paid into the State Treasury, and securely invested and sacredly preserved as a Public School Fund; the annual income of which fund, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining the free public schools and the State University in this Article provided for, and for no other uses or purposes whatsoever.

SEC. 7. In case the Public School Fund now provided and set apart by law, for the support of free public schools, shall be insufficient to sustain a free school at least four months in every year in each school district in this State, the General Assembly may provide for such deficiency in accordance with section eleven of the Article on Revenue and Taxation; but in no case shall there be set apart less than twenty-five per cent. of the State revenue, exclusive of the Interest and Sinking Fund, to be applied annually to the support of the public schools.

SEC. 8. All moneys, stocks, bonds, lands and other property belonging to a county school fund; also, the net proceeds from the sale of estrays; also, the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and be securely invested, and sacredly preserved in the several counties, as a county public school fund; the income of which fund shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State.

SEC. 9. No part of the Public School Fund of the State shall ever be invested in the stock or bonds, or other obligations of any other State, or of any county, city, town or corporation; and the proceeds of the sales of any lands or other property which now belong, or may hereafter belong to said school fund, shall be invested in the bonds of the State of Missouri, or of the United States.

SEC. 10. All county school funds shall be loaned only upon unincumbered real estate security, of double the value of the loan, with personal security in addition thereto.

SEC. 11. Neither the General Assembly, nor any county, city, town, township, school district or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, anything in aid of any religious creed, church or sectarian purpose; or to help to support or sustain any private or public school, academy, seminary, college, university or other institution of learning, controlled by any religious creed, church or sectarian denomination



whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any county, city, town or other municipal corporation, for any religious creed, church or sectarian purpose whatever.

## ARTICLE XII.

### CORPORATIONS.

SECTION 1. All existing charters, or grants of special or exclusive privileges, under which a *bona fide* organization shall not have taken place, and business been commenced in good faith, at the adoption of this Constitution, shall thereafter have no validity.

SEC. 2. No corporation, after the adoption of this Constitution, shall be created by special laws; nor shall any existing charter be extended, changed or amended by special laws, except those for charitable, penal or reformatory purposes, which are under the patronage and control of the State.

SEC. 3. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend such forfeited charter, or pass any other general or special laws for the benefit of such corporations.

SEC. 4. The exercise of the power and right of eminent domain, shall never be so construed or abridged as to prevent the taking, by the General Assembly, of the property and franchises of incorporated companies already organized, or that may be hereafter organized, and subjecting them to the public use, the same as that of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when in the exercise of said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

SEC. 5. The exercise of the police power of the State shall never be abridged, or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well-being of the State.

SEC. 6. In all elections for directors or managers of any incorporated company, each shareholder shall have the right to cast as many votes in the aggregate as shall equal the number of shares so held by him or her in said company, multiplied by the number of directors or managers to be elected at such election; and each shareholder may cast the whole number of votes, either in person or by proxy, for one candidate, or distribute such votes among two or more candidates; and such directors or managers shall not be elected in any other manner.

SEC. 7. No corporation shall engage in business, other than that expressly authorized in its charter, or the law under which it may have been or hereafter may be organized, nor shall it hold any real estate for any period longer than six years, except such as may be necessary and proper for carrying on its legitimate business.

SEC. 8. No corporation shall issue stock or bonds, except for money paid, labor done or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting called for the purpose, first giving sixty days' public notice, as may be provided by law.



SEC. 9. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable in any amount over or above the amount of stock owned by him or her.

SEC. 10. No corporation shall issue preferred stock without the consent of all the stockholders.

SEC. 11. The term "corporation," as used in this Article, shall be construed to include all joint stock companies or associations having any powers or privileges not possessed by individuals or partnerships.

#### RAILROADS.

SEC. 12. It shall not be lawful in this State for any railway company to charge for freight or passengers a greater amount, for the transportation of the same, for a less distance than the amount charged for any greater distance; and suitable laws shall be passed by the General Assembly to enforce this provision; but excursion and commutation tickets may be issued at special rates.

SEC. 13. Any railroad corporation or association, organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right, with its road, to intersect, connect with or cross any other railroad, and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

SEC. 14. Railways heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and railroad companies common carriers. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State; and shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on said railroads, and enforce all such laws by adequate penalties.

SEC. 15. Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and where shall be kept, for public inspection, books in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them respectively, the amount of stock paid, and by whom, the transfer of said stock, with the date of transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days previously, and shall report annually, under oath, to the State Auditor, or some officer designated by law, all of their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. The General Assembly shall pass laws enforcing, by suitable penalties, the provisions of this section.

SEC. 16. The rolling stock and all other movable property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals; and the General Assembly shall pass no law exempting any such property from execution and sale.



SEC. 17. No railroad or other corporation, or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation, with, or lease, or purchase the works or franchise of, or in any way control any railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line. The question whether railroads are parallel or competing lines shall, when demanded, be decided by a jury, as in other civil issues.

SEC. 18. If any railroad company organized under the laws of this State, shall consolidate by sale or otherwise, with any railroad company organized under the laws of any other State, or of the United States, the same shall not thereby become a foreign corporation; but the courts of this State shall retain jurisdiction in all matters which may arise as if said consolidation had not taken place. In no case shall any consolidation take place, except upon public notice of at least sixty days to all stockholders, in such manner as may be provided by law.

SEC. 19. The General Assembly shall pass no law for the benefit of a railroad or other corporations, or any individual or association of individuals, retrospective in its operation, or which imposes on the people of any county or municipal subdivision of the State, a new liability in respect to transactions or considerations already past.

SEC. 20. No law shall be passed by the General Assembly granting the right to construct and operate a street railroad within any city, town, village, or on any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad; and the franchises so granted shall not be transferred without similar assent first obtained.

SEC. 21. No railroad corporation in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.

SEC. 22. No president, director, officer, agent or employe of any railroad company, shall be interested, directly or indirectly, in furnishing material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

SEC. 23. No discrimination in charges or facilities in transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise; and no railroad company, or any lessee, manager or employe thereof, shall make any preference in furnishing cars or motive power.

SEC. 24. No railroad or other transportation company shall grant free passes or tickets, or passes or tickets at a discount, to members of the General Assembly, or members of the Board of Equalization, or any State, or county, or municipal officers; and the acceptance of any such pass or ticket, by a member of the General Assembly, or any such officer, shall be a forfeiture of his office.

#### BANKS.

SEC. 25. No State bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation, or joint stock



company, or association for banking purposes, now created or hereafter to be created.

SEC. 26. No act of the General Assembly authorizing or creating corporations or associations with banking powers, (except banks of deposit or discount,) nor amendments thereto, shall go into effect, or in any manner be enforced, unless the same shall be submitted to a vote of the qualified voters of the State, at the general election next succeeding the passage of the same, and be approved by a majority of the votes cast at such election.

SEC. 27. It shall be a crime, the nature and punishment of which shall be prescribed by law, for any president, director, manager, cashier or other officer of any banking institution, to assent to the reception of deposits, or the creation of debts by such banking institution, after he shall have had knowledge of the fact that it is insolvent, or in failing circumstances; and any such officer, agent or manager, shall be individually responsible for such deposits so received, and all such debts so created with his assent.

## ARTICLE XIII.

### MILITIA.

SECTION 1. All able-bodied male inhabitants of this State between the ages of eighteen and forty-five years, who are citizens of the United States, or have declared their intention to become such citizens, shall be liable to military duty in the militia of this State: *Provided*, That no person who is religiously scrupulous of bearing arms, can be compelled to do so, but may be compelled to pay an equivalent for military service, in such manner as shall be prescribed by law.

SEC. 2. The General Assembly, in providing for the organization, equipment and discipline of the militia, shall conform as nearly as practicable, to the regulations for the government of the armies of the United States.

SEC. 3. Each company and regiment shall elect its own company and regimental officers; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, or by the order of the Governor, they may be appointed by the Governor.

SEC. 4. Volunteer companies of infantry, cavalry and artillery, may be formed in such manner and under such restrictions as may be provided by law.

SEC. 5. The volunteer and militia forces shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at musters, parades and elections, and in going to and returning from the same.

SEC. 6. The Governor shall appoint the Adjutant General, Quartermaster General and his other staff officers. He shall also, with the advice and consent of the Senate, appoint all Major Generals and Brigadier Generals.

SEC. 7. The General Assembly shall provide for the safe keeping of the public arms, military records, banners and relics of the State.



## ARTICLE XIV.

## MISCELLANEOUS PROVISIONS.

SECTION 1. The General Assembly of this State shall never interfere with the primary disposal of the soil by the United States, nor with any regulation which Congress may find necessary for securing the title in such soil to *bona fide* purchasers. No tax shall be imposed on lands the property of the United States; nor shall lands belonging to persons residing out of the limits of this State ever be taxed at a higher rate than the lands belonging to persons residing within the State.

SEC. 2. No person shall be prosecuted in any civil action or criminal proceeding for or on account of any act by him done, performed or executed between the first day of January, one thousand eight hundred and sixty-one, and the twentieth day of August, one thousand eight hundred and sixty-six, by virtue of military authority vested in him, or in pursuance of orders from any person vested with such authority by the government of the United States, or of this State, or of the late Confederate States, or any of them to do such act. And if any action or proceedings shall have been, or shall hereafter be instituted against any person for the doing of any such act, the defendant may plead this section in bar thereof.

SEC. 3. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of this State to fight a duel, shall hold any office in this State.

SEC. 4. No person holding an office of profit under the United States, shall, during his continuance in such office, hold any office of profit under this State.

SEC. 5. In the absence of any contrary provision, all officers now or hereafter elected or appointed, subject to the right of resignation, shall hold office during their official terms, and until their successors shall be duly elected or appointed and qualified.

SEC. 6. All officers, both civil and military, under the authority of this State, shall, before entering upon the duties of their respective offices, take and subscribe an oath, or affirmation, to support the Constitution of the United States and of this State, and to demean themselves faithfully in office.

SEC. 7. The General Assembly shall, in addition to other penalties, provide for the removal from office of county, city, town and township officers, on conviction of willful, corrupt or fraudulent violation or neglect of official duty.

SEC. 8. The compensation or fees of no State, county or municipal officer shall be increased during his term of office; nor shall the term of any office be extended for a longer period than that for which such officer was elected or appointed.

SEC. 9. The appointment of all officers not otherwise directed by this Constitution, shall be made in such manner as may be prescribed by law.

SEC. 10. The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery, in this State; and all acts or parts of acts heretofore passed by the Legislature of this State, authorizing



a lottery or lotteries, and all acts amendatory thereof, or supplemental thereto, are hereby avoided.

SEC. 11. It shall be the duty of the grand jury in each county, at least once a year, to investigate the official acts of all officers having charge of public funds, and report the result of their investigations in writing to the court.

SEC. 12. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and for fifteen days next before the commencement and after the termination of each session; and for any speech or debate in either House they shall not be questioned in any other place.

## ARTICLE XV.

### MODE OF AMENDING THE CONSTITUTION.

SECTION 1. This Constitution may be amended and revised only in pursuance of the provisions of this Article.

SEC. 2. The General Assembly may, at any time, propose such amendments to this Constitution as a majority of the members elected to each house shall deem expedient; and the vote thereon shall be taken by yeas and nays and entered in full on the journals. The proposed amendments shall be published with the laws of that session, and also shall be published weekly in some newspaper, if such there be, within each county in the State, for four consecutive weeks next preceding the general election then next ensuing. The proposed amendments shall be submitted to a vote of the people, each amendment separately, at the next general election thereafter, in such manner as the General Assembly may provide. If a majority of the qualified voters of the State, voting for and against any one of said amendments, shall vote for such amendment, the same shall be deemed and taken to have been ratified by the people, and shall be valid and binding, to all intents and purposes, as a part of this Constitution.

SEC. 3. The General Assembly may at any time authorize, by law, a vote of the people to be taken upon the question whether a convention shall be held for the purpose of revising and amending the Constitution of this State; and if at such election a majority of the votes on the question be in favor of a convention, the Governor shall issue writs to the sheriffs of the different counties, ordering the election of delegates to such a convention, on a day not less than three and within six months after that on which the said question shall have been voted on. At such election each Senatorial District shall elect two delegates for each Senator to which it may then be entitled in the General Assembly, and every such delegate shall have the qualifications of a State Senator. The election shall be conducted in conformity with the laws regulating the election of Senators. The delegates so elected shall meet at such time and place as may be provided by law, and organize themselves into a convention, and proceed to revise and amend the Constitution; and the Constitution when so revised and amended, shall, on a day to be therein fixed, not less than sixty days or more than six months after that on which it shall have been adopted by the convention, be submitted to a vote of the people for and against it, at an election to be held for that purpose; and if a majority of all



the votes given be in favor of such Constitution, it shall, at the end of thirty days after such election, become the Constitution of this State. The result of such election shall be made known by proclamation by the Governor. The General Assembly shall have no power, otherwise than in this section specified, to authorize a convention for revising and amending the Constitution.

## SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

SECTION 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force until altered or repealed by the General Assembly; and all rights, actions, prosecutions, claims and contracts of the State, counties, individuals or bodies corporate, not inconsistent therewith, shall continue to be as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution, shall cease upon its adoption, except that all laws which are inconsistent with such provisions of this Constitution, as require legislation to enforce them, shall remain in force until the first day of July, one thousand eight hundred and seventy-seven, unless sooner amended or repealed by the General Assembly.

SEC. 2. That all recognizances, obligations and all other instruments, entered into or executed before the adoption of this Constitution, to this State or to any subdivision thereof, or any municipality therein; and all fines, taxes, penalties and forfeitures, due or owing to this State, or any such subdivision or municipality; and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in this Constitution.

SEC. 3. All county and probate courts as now constituted and organized, shall continue with their jurisdiction, until the General Assembly shall by law conform them in their organization to the requirements of this Constitution.

SEC. 4. All criminal courts organized and existing under the laws of this State, and not specially provided for in this Constitution, shall continue to exist until otherwise provided by law.

SEC. 5. All courts of common pleas existing and organized in cities and towns having a population exceeding three thousand five hundred inhabitants, and such as by the law of their creation are presided over by a judge of a circuit court, shall continue to exist and exercise their present jurisdiction, until otherwise provided by law. All other courts of common pleas shall cease to exist at the expiration of the present terms of office of the several judges thereof.

SEC. 6. All persons now filling any office or appointment in this State, shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless otherwise provided by law.

SEC. 7. Upon the adoption of this Constitution, all appeals to,



and writs of error from the Supreme Court, shall be returnable to the Supreme Court at the City of Jefferson.

SEC. 8. Until the General Assembly shall make provision for the payment of the State and railroad indebtedness of this State, in pursuance of section fourteen of Article X. of this Constitution, there shall be levied and collected an annual tax of one-fifth of one per centum on all real estate and other property and effects subject to taxation, the proceeds of which shall be applied to the payment of the interest on the bonded debt of this State as it matures, and the surplus, if any, shall be paid into the Sinking Fund, and thereafter applied to the payment of such indebtedness, and to no other purpose.

SEC. 9. This Constitution shall be submitted to the people of this State for adoption or rejection, at an election to be held for that purpose only, on Saturday, the thirtieth day of October, one thousand eight hundred and seventy-five. Every person entitled to vote under the Constitution and laws of this State shall be entitled to vote for the adoption or rejection of this Constitution. Said election shall be held, and said qualified electors shall vote at the usual places of voting in the several counties of this State; and said election shall be conducted, and returns thereof made, according to the laws now in force regulating general elections.

SEC. 10. The clerks of the several county courts in this State, shall, at least five days before said election, cause to be delivered to the judges of election in each election district or precinct, in their respective counties, suitable blank poll-books, forms of return and five times the number of properly prepared printed ballots for said election, that there are voters in said respective districts, the expense whereof shall be allowed and paid by the several county courts, as other county expenditures are allowed and paid.

SEC. 11. At said election the ballots shall be in the following form:

#### NEW CONSTITUTION TICKET.

*(Erase the clause you do not favor.)*

New Constitution—Yes.

New Constitution—No.

Each of said tickets shall be counted as a vote for or against this Constitution, as the one clause or the other may be canceled with ink or pencil by the voter, and returns thereof shall be made accordingly. If both clauses of the ticket be erased, or if neither be erased, the ticket shall not be counted.

SEC. 12. The returns of the whole vote cast for the adoption and against the adoption of this Constitution, shall be made by the several clerks, as now provided by law in case of the election of State officers, to the Secretary of State, within twenty days after the election; and the returns of said votes shall, within ten days thereafter, be examined and canvassed by the State Auditor, State Treasurer and Secretary of State, or any two of them, in the presence of the Governor, and proclamation shall be made by the Governor forthwith of the result of the canvass.

SEC. 13. If, upon such canvass, it shall appear that a majority of the votes polled were in favor of the new Constitution, then, this Constitution shall, on and after the thirtieth day of November, one thousand eight hundred and seventy-five, be the supreme law of the



State of Missouri, and the present existing Constitution shall thereupon cease in all its provisions; but if it shall appear that a majority of the votes polled were against the new Constitution, then this Constitution shall be null and void, and the existing Constitution shall continue in force.

SEC. 14. The provisions of this Schedule required to be executed prior to the adoption or rejection of this Constitution, shall take effect and be in force immediately.

SEC. 15. The General Assembly shall pass all such laws as may be necessary to carry this Constitution into full effect.

SEC. 16. The present Secretary of State, State Auditor, Attorney General, and Superintendent of Public Schools, shall, during the remainder of their terms of office, unless otherwise directed by law, receive the same compensation and fees as is now provided by law; and the present State Treasurer shall, during the remainder of the term of his office, continue to be governed by existing law, in the custody and disposition of the State funds, unless otherwise directed by law.

SEC. 17. Section twelve of the Bill of Rights shall not be so construed as to prevent arrests and preliminary examination in any criminal case.

Done in Convention, at the Capitol, in the City of Jefferson, on the second day of August, in the year of our Lord, one thousand eight hundred and seventy-five, and of the Independence of the United States the one hundredth.

WALDO P. JOHNSON, *President*, St. Clair county.

N. W. WATKINS, *Vice President*, Scott county.

WASH'N ADAMS, of Cooper county.

DE WITT C. ALLEN, of Clay county.

A. M. ALEXANDER, of Monroe county.

FRANCIS M. BLACK, of Jackson county.

HENRY BOONE, of DeKalb county.

GEORGE W. BRADFIELD, of Laclede county.

JAMES O. BROADHEAD, of St. Louis county.

HENRY C. BROCKMEYER, of St. Louis county.

GEORGE W. CARLETON, of Pemiscot county.

WILLIAM CHRISMAN, of Jackson county.

EDMUND V. CONWAY, of St. Francois county.

LOUIS F. COTTEY, of Knox county.

T. W. B. CREWS, of Franklin county.

SAMUEL R. CROCKETT, of Vernon county.

LOWNDES HENRY DAVIS, of Cape Girardeau county.

LEONIDAS J. DRYDEN, of Warren county.

BENJAMIN ROBERT DYSART, of Macon county.

JOHN F. T. EDWARDS, of Iron county.

JAMES C. EDWARDS, of St. Louis county.

CHARLES D. EITZEN, of Gasconade county.

JAMES L. FARRIS, of Ray county.

ROBERT W. FYAN, of Webster county.

THOMAS TASKER GANIT, of St. Louis county.

LOUIS GOTTSCHALK, of St. Louis county.

JOHN B. HALE, of Carroll county.

W. HALLIBURTON, of Sullivan county.

CHARLES HAMMOND, of Chariton county.

NEIL CAMERON HARDIN, of Pike county.



J. A. HOLLIDAY, of Caldwell county.  
JOHN HYER, of Dent county.  
HORACE B. JOHNSON, of Cole county.  
T. J. JOHNSTON, of Nodaway county.  
HENRY CLAY LACKLAND, of St. Charles county.  
WM. H. LETCHER, of Saline county.  
ALFRED M. LAY, of Cole county.  
PINCKNEY MABREY, of Ripley county.  
B. F. MASSEY, of Newton county,  
JAMES HARVEY MAXEY, of Howell county.  
CHARLES B. McAFEE, of Greene county.  
ARCHIBALD V. McKEE, of Lincoln county.  
EDWARD McCABE, of Marion county.  
MALCOLM McKILLOP, of Atchison county.  
NICHOLAS A. MORTELL, of St. Louis county.  
HENRY THOMAS MUDD, of St. Louis county.  
EDMOND A. NICKERSON, of Johnson county.  
ELIJAH HISE NORTON, of Platte county.  
PHILIP PIPKIN, of Jefferson county.  
WILLIAM PRIEST, of Platte county.  
JOSEPH PULITZER, of St. Louis county.  
JOHN RAY, of Barry county.  
J. H. RIDER, of Bollinger county.  
J. R. RIPPEY, of Schuyler county.  
JAMES C. ROBERTS, of Buchanan county.  
J. P. ROSS, of Morgan county.  
JOHN W. ROSS, of Polk county.  
JOHN FLEMING RUCKER, of Boone county.  
THOS. SHACKELFORD, of Howard county.  
JOHN H. SHANKLIN, of Grundy county.  
GEORGE H. SHIELDS, of St. Louis county.  
HENRY J. SPAUNHORST, of St. Louis county.  
WILLIAM F. SWITZLER, of Boone county.  
JOHN H. TAYLOR, of Jasper county.  
AMOS RILEY TAYLOR, of St. Louis county.  
ALBERT TODD, of St. Louis county.  
L. J. WAGNER, of Scotland county.  
HENRY C. WALLACE, of Lafayette county.

ATTEST:

G. N. NOLAN, *Secretary.*

J. BOYLE ADAMS, *Assistant Secretary.*



## AN ORDINANCE

TO PREVENT THE PAYMENT OF 1,918 BONDS AND THEIR COUPONS, WHICH HAVE BEEN ALREADY REDEEMED BY THE STATE OF MISSOURI.

*Be it Ordained by the People of Missouri, in Convention assembled :*

That the General Assembly of the State of Missouri shall have no power to make any appropriation of money, or in any manner, directly or indirectly, to provide for the payment of any one of nineteen hundred and eighteen (1,918) bonds, or the coupons attached thereto, each for the sum of one thousand dollars, and seven per cent. interest, payable semi-annually, the principal payable twenty years after January 1, 1856, executed by the Pacific Railroad of the State of Missouri, under authority of an act of the General Assembly of Missouri, passed December 10, 1855, and guaranteed by the State of Missouri, the numbers of which bonds are as follows: Bonds numbered from 1 to 370, inclusive of both; 375 to 395, inclusive of both; 397 to 474, inclusive of both; 493, 535, 536, 542, 543, 547, 554, 557, 558, 559, 585 to 589, inclusive of both; 592 to 596, inclusive of both; 601 to 622, inclusive of both; 624 to 701, inclusive of both; 709, 717 to 722, inclusive of both; 724, 725, 726, 732, 733, 734, 835, 836, 837, 841, 842, 843, 844, 845, 849, 850, 851, 868, 869, 882 to 889, inclusive of both; 891 to 898, inclusive of both; 902, 904, 971 to 1,001, inclusive of both; 1,028, 1,041 to 1,050, inclusive of both; 1,080, 1,084, 1,085, 1,086, 1,109, 1,110, 1,146, 1,150, 1,153, 1,181, 1,183, 1,186 to 1,212 inclusive of both; 1,228, 1,281 to 1,293, inclusive of both; 1,300, 1,343, 1,412, 1,418 to 1,436, inclusive of both; 1,484, 1,501 to 1,512, inclusive of both; 1,583, 1,584, 1,597 to 1,601, inclusive of both; 1,659 to 1,662, inclusive of both; 1,664, 1,720, 1,829, 1,836, 1,851 to 1,861, inclusive of both; 1,864 to 1,869, inclusive of both; 1,876 to 1,886, inclusive of both; 1,892 to 1,897, inclusive of both; 1,926 to 1,943, inclusive of both; 1,946 to 1,951, inclusive of both; 1,954, 1,956, 1,957, 1,959, 1,960, 1,971, 1,972, 1,973, 1,976 to 1,990, inclusive of both; 1,992 to 1,998, inclusive of both; 2,000, 2,011, 2,012, 2,013, 2,018, 2,029, 2,030, 2,044 to 2,046, inclusive of both; 2,074 to 2,077, inclusive of both; 2,081 to 2,087, inclusive of both; 2,096, 2,097, 2,143, 2,144, 2,152 to 2,166, inclusive of both; 2,211 to 2,215, inclusive of both; 2,221 to 2,240, inclusive of both; 2,273 to 2,481, inclusive of both; 2,483 to 2,493, inclusive of both; 2,496 to 2,500, inclusive of both; 2,502, 2,506, 2,544 to 2,550, inclusive of both; 2,552, 2,555 to 2,577, inclusive of both; 2,601 to 2,607, inclusive of both; 2,609 to 2,621, inclusive of both; 2,633, 2,654 to 2,693, inclusive of both; 2,698, 2,699, 2,711 to 2,730, inclusive of both; 2,761, 2,763, 2,764, 2,765, 2,767, 2,768, 2,769, 2,771 to 2,775, inclusive of both; 2,787, 2,788, 2,790, 2,845, 2,852 to 2,870, inclusive of both; 2,882, to 2,900, inclusive of both; 2,902, 2,903, 2,915, 2,921 to 2,983, inclusive of both; 2,985, 3,006, 3,007, 3,022 to 3,043, inclusive of both; 3,047 to 3,071, inclusive of both; 3,073 to 3,082, inclusive of both; 3,085 to 3,107, inclusive of both; 3,132, 3,143 to 3,214, inclusive of both; 3,299 to 3,348, inclusive of both; 3,373 to 3,483, inclusive of both; 3,488 to 3,500, inclusive of both; 3,601 to 3,686, inclusive of both; 3,690 to 3,800, inclusive of both; which bonds have been redeemed by the State of Missouri, deposited as securities available to the State in dealing with the Pacific Railroad, in the vault of the treasury, and while the same were in said vault, withdrawn from circulation as negotiable instruments, were criminally taken therefrom.

This ordinance shall become part of the organic law, if the Constitution be adopted by the people on the 30th October, 1875.



# ADDRESS

## TO THE

# PEOPLE OF MISSOURI.

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Your representatives, in Convention assembled, to revise and amend the Constitution of the State, have completed their work, and the result is now to be submitted to you for approval or rejection.

That you may the more readily compare the amended with the present Constitution and thus be enabled to form a clear and correct opinion as to their respective merits, your careful attention is invited to the following brief statement of the more important changes proposed, with some of the advantages supposed to result from these changes.

### BILL OF RIGHTS.

All the proscriptive features of the present Bill of Rights have been abolished, such as forfeiture of estates for treason, and the provision which prevents gifts of any kind to religious denominations, or to trustees for their use. The grand jury system has been modified, so as to make a grand jury consist of only twelve men, any nine of whom concurring, may find an indictment. This will be equally as effective as the present system, and will cause a great saving of costs in criminal proceedings.

In addition to the usual guarantees of natural and civil rights, it is declared substantially: That the General Assembly shall make no irrevocable grants of special privileges or immunities; that no person shall hold office without personally devoting his time to the performance of the duties of such office; that no collector, receiver of public moneys or the deputy of such, shall be eligible to any office until he shall have accounted for and paid over all the money for which he may be accountable; that private property shall not be taken or damaged for public use without compensation, and whether the use be public is a question, to be determined by the courts; that private property may be taken for private use for drains and ditches across the lands of others, for agricultural and sanitary purposes, by making proper compensation therefor.

### REPRESENTATION AND APPORTIONMENT.

In the matter of representation no radical change is proposed; as heretofore, the Senate is based strictly on population. Through the failure of the General Assembly to reapportion the State on the basis of the census of 1870, as required by the Constitution, great inequality exists in the Senatorial districts, some having more than three times the population of others. To remedy this and secure equality, the State has been in part, redistricted, and ample provisions made to guard against a failure to redistrict in the future. In doing this, however, care has been taken to remove from office no Senator entitled to hold over.

Since the organization of the State, each county has been entitled to one representative in the lower branch of the General Assembly,



without regard to population. To abandon this feature would incur bitter opposition from many long accustomed to it. To adhere to it, prevents the apportionment of representation strictly according to population, without increasing the number beyond reason.

To render satisfaction, as far as practicable, the plan of county representation has been adhered to, and as a concession to the more populous counties, they have been allowed twelve more representatives than at present, of which St. Louis county receives three, and the remaining nine are distributed among the next most populous counties, according to population. Thus the advocates of increased representation to the more populous portion of the State, while not obtaining all they desire, receive more members than they have under the present Constitution.

#### LEGISLATIVE DEPARTMENT.

The General Assembly is required to meet once in two years, but is not permitted to hold adjourned sessions. Being restricted to general legislation, much less time will be required for its sessions and the business will be much more satisfactorily performed. Perhaps less than half its time is now occupied in the enactment of laws of a general nature, therefore there will be no necessity for adjourned sessions. To prevent waste of time, it is also provided that if the regular session be prolonged beyond seventy days, the members shall receive for their services after that date only one dollar per day.

The Auditor's books show the cost to the State of the General Assemblies for the last ten years to have been over \$1,800,000; of this amount it is fair to estimate that one-half or over \$900,000 has been for adjourned sessions; over \$90,000 per annum, which will all be saved under the proposed Constitution.

As an additional saving, it is provided that each member shall, for each session, receive \$30 in full for all stationery, postage and other incidental expenses. This will stop a large drain upon the treasury, under cover of stationery, postage, papers, etc., to members. It is further provided that no member shall receive mileage or traveling expenses for any extra session called within one day after the adjournment of a regular session. So there will be no more constructive mileage.

To afford security against hasty legislation and guard against the possibility of bills becoming laws which have not been fairly and considerately passed upon, wholesome restrictions are thrown around the law-makers, and greater particularity required in the enactment of laws than heretofore.

The evils of local and special legislation have become enormous. We need but look to our session acts to be satisfied that this species of legislation occupies the larger portion of the time of our General Assemblies, to the neglect and prejudice of public interest. The expense to the State in passing and publishing such laws, and the combinations by which private interests have been advanced and dangerous monopolies created, are well known.

Under the proposed Constitution the General Assembly is prohibited from passing such laws. In all cases where a general law can be made applicable, a special law cannot be enacted, and in no case can any special law be passed unless notice of the intention to apply therefor shall have been published for thirty days in the locality to be affected thereby.



The power of the Legislature to create debts or issue bonds of the State is prohibited, except to renew existing bonds where there is no money to pay them, and to meet an unforeseen emergency or casual deficiency of the revenue to an amount not exceeding \$250,000 for any one year.

If a larger amount shall be desired for the purpose of meeting such deficiency or emergency, the question must be submitted to the voters of the State and approved by a majority of two-thirds, before the General Assembly can create any liability therefor.

The State, and every county, city, or other municipality, are prohibited from paying any compensation to any officer, agent, servant or contractor, after services have been rendered, or a contract made and partially performed, or from paying any claim created without express authority of law.

#### EXECUTIVE DEPARTMENT.

The term of office of the Governor and other State officers is extended from two to four years. As an additional check upon ill-advised legislation, a majority of two-thirds of all the members of each House is required to pass a bill over the veto of the Governor. It is also provided that when a bill contains several items of appropriation of money, the Governor may veto one or more of said items, and approve the remainder of the bill. When it is remembered that appropriation bills are frequently passed near the close of a session, that the Governor is then compelled to approve improper items of appropriation or veto the entire bill, the importance of this provision will be acknowledged.

#### JUDICIAL DEPARTMENT.

The Supreme Court will remain as now constituted, except that all its terms will be held at the Seat of Government. This will add to the dignity and efficiency of the court. Business in the Supreme Court has so accumulated that litigants are subjected to annoying and ruinous delays. To remedy this and enable the court to dispose of the business with proper consideration and dispatch, an inferior court of appeals is established in the city of St. Louis, to which all appeals and writs of error from the courts of St. Louis, St. Charles, Warren and Lincoln counties must be taken, and from which appeals and writs of error to the Supreme Court will lie only in certain classes of cases. Much of the business of said counties will terminate in said court of appeals, and to that extent will the Supreme Court be relieved.

Common pleas courts are abolished; but such as are presided over by a circuit judge, and such as are organized in cities having over 3,500 inhabitants, shall continue until otherwise provided by law. All other common pleas courts shall cease at the expiration of the terms of office of the present judges.

In localities, other than county seats, where courts are needed, the General Assembly may require terms of the circuit court to be held.

The jurisdiction of probate and county courts is defined and made uniform throughout the State. Probate courts are required in each county. County courts will consist of one or more judges, not exceeding three, as may be fixed by the General Assembly. Uniformity in our judicial system will thus be secured, and the State relieved of many courts of limited and uncertain jurisdiction. The number of judicial officers will be reduced, the entire machinery simplified and



rendered more efficient, while localities can be accommodated with courts as at present.

#### EDUCATION.

The maintenance of free public schools for the gratuitous instruction of all children between the ages of six and twenty years is required. The public school fund of the State is continued and securely guarded, and provision made for its gradual increase. Ample provision is also made for the preservation of county and township school funds. Whilst local taxation, when necessary for the maintenance of public schools, is still allowed, it is under such restrictions and limitations as will tend to prevent the abuses which have become so common under the present system.

#### PUBLIC MONEYS.

The proposed Constitution requires all State moneys to be kept on deposit to the credit of the State in some bank or banks, selected by the Treasurer, with the approval of the Governor and Attorney General, said bank giving security to the satisfaction of the Governor and Attorney General, and paying interest for the use of the money. Said funds can be drawn by the Treasurer only, as needed for payment of warrants drawn on him by the Auditor.

Under this change the public funds will be equally as secure as at present.

Large amounts of State money are, of necessity, always on hand, the interest on which will thus be saved to the State.

When large sums of public money are held by officers they are liable to be tempted to use it, or permit it to be used for private purposes, or in some unauthorized way, and whether they so use it or not, the opportunity of doing so subjects them to continual suspicion and criticism. The removal of such opportunity with the consequent opprobrium will be a benefit to the office holder, if honest, and to the State, whether he is honest or not.

#### REVENUE AND TAXATION.

Provision is made for the material reduction of State taxes.

An annual tax of twenty-five cents on the one hundred dollars is now levied, to be used only for the payment of the interest on the bonded debt of the State and the creation of a sinking fund for the redemption of the principal.

The proposed Constitution directs that there shall be levied and collected an annual tax sufficient to pay the accruing interest on the bonded debt of the State, and to reduce the principal thereof each year by a sum not less than two hundred and fifty thousand dollars. This and all other State taxes are to be paid into the State Treasury, from which a sufficiency must be set apart, first, to pay all interest on the State debt as it matures, and at least two hundred and fifty thousand dollars annually on the principal, thus securing beyond a doubt the payment of the interest and a proportion of the principal each year, and at the same time requiring no larger tax for that purpose than actually necessary, and thus enabling the Legislature to reduce it as the debt is reduced, and as the taxable property of the State shall be increased. At present the tax of twenty-five cents on the one hundred dollars yields annually about four hundred and fifty thousand dollars--more than sufficient to pay the interest and two



hundred and fifty thousand dollars on the principal, and this surplus will increase annually as the debt is reduced and the taxable property increased. The proposed change requires only a "tax sufficient" to be levied; whereas, the present Constitution requires much more than is sufficient.

To the imposition of taxes for county, township, city, town and school purposes a limit is fixed by the proposed Constitution, beyond which they cannot be increased. At present there is no such constitutional limit.

Cemeteries are exempted from taxation. Property used exclusively for religious worship, for schools and purposes purely charitable, and for agricultural and horticultural societies may be exempted by the Legislature. Under the present Constitution no such property can be legally exempted.

#### STATE AND MUNICIPAL INDEBTEDNESS.

The General Assembly is prohibited from lending the credit of the State in aid of any corporation, and from paying or assuming the debts or liabilities of any public or other corporation, association or individual.

Counties, townships, cities and towns are absolutely prohibited from making any subscription to the capital stock of any railroad or other corporation; and from granting aid in any manner to such corporation.

No county, township, city, town or school district is permitted to create any indebtedness to an amount exceeding, in any year, the revenue for such year, unless authorized by a majority of two-thirds of the voters thereof; nor under any circumstances, even with such vote, to an amount, including existing indebtedness, exceeding five per cent. on the amount of taxable property therein, except for building a court house or jail.

For the want of such provisions many of our counties, cities and school districts are now burdened with debt and taxation to an alarming extent.

#### CORPORATIONS.

Except for benevolent, religious, scientific or educational purposes, no corporation can be formed without payment to the State Treasurer, at the time of filing the articles of association, of the sum of fifty dollars, and more, if the capital exceeds \$50,000. This will afford considerable revenue and discourage the formation of irresponsible companies.

No corporation, public or private, can be created or have its charter amended by special law.

It is made a criminal offence for the managers of banking institutions to receive deposits or create debts, after having knowledge of the fact that such institutions are insolvent or in failing circumstances, and such managers are made individually liable for all liabilities created under such circumstances with their assent.

Railroads are declared public highways, and the General Assembly is authorized to establish maximum rates of charges, and to provide against discriminations.

No railroad corporation in existence at the time of the adoption of the new Constitution, can have the benefit of any future legislation, except on condition of complete acceptance of that portion of the Constitution applicable to railroads.



## NEW COUNTIES.

No new county can be made unless a majority of the voters of all the counties from which the new county is to be formed shall first vote in favor of it. This will remove the contest for the formation of new counties from the General Assembly to the counties directly interested. - When a new county is formed, the portion stricken off from any county shall be held liable for its ratable proportion of the debt of the county from which it is taken.

## CITIES AND TOWNS.

Charters of cities and towns must be amended by general law. The advantages of this must be apparent. To illustrate—a single law will suffice for all cities and towns of the same class in the State; whereas, now a separate law must be passed for every city. Legislation in the interest of individuals and cliques will be prevented, for while it is easy to procure the passage of an unjust law affecting but a single locality, in which none but the immediate representatives are interested, it would be difficult to procure the passage of a similar law affecting all localities of the same class.

## AMNESTY.

At present no person can be proceeded against civilly or criminally for any act done during the late civil war, under the military authority of the United States or of this State. The new Constitution extends the benefits of this provision to persons for acts done under the military authority of the late Confederate States, or any of them.

## TOWNSHIP ORGANIZATION.

Counties desiring township organization may adopt it by a vote, and provision is made whereby those counties which have adopted it, may, by vote, dispense with it, if they desire to do so.

## WAR CLAIMS.

Under an act of the General Assembly, entitled "An act to audit and adjust the war debt of the State," approved March 19, 1874, claims have been audited amounting to millions of dollars, for which certificates have been issued, signed by the State officers designated by law, reciting said claims as debts of the State, payable when they shall be collected from the United States.

Most of these claims are found to be fraudulent. Even those which are just, are in reality claims against the United States, for which the State should in no case be held bound; still, in the certificates issued, they are recited as debts of the State, and there is therefore danger that interested parties may induce the General Assembly in an unguarded hour to recognize and pay them. To settle this matter definitely and finally, it is provided that the Legislature shall never pay any of said claims, until the money therefor shall be actually received from the United States.

## CONCLUSION.

Such are the principal changes proposed. They have not been adopted without due care and reflection, and while many of them are



new in this State, most of them have been tried and are now in force in some one or more of our sister States.

It will be seen that the end sought to be accomplished is to secure an efficient and economical administration of the several departments of the State government; and with this object in view, especial effort has been directed to secure the following results, to wit: Restrictions upon the powers of the legislative department; uniformity in the organization and jurisdiction of the judicial department; limitations upon the power of all officials in the creation of debts; reduction of taxes of the State and of all counties, townships, cities, towns and school districts; the removal of opportunity for private use of public moneys and a rigid economy in the expenditures thereof; prevention of abuse of power and corruption in office.

Your own inclination and interests will lead you to examine closely, not only the changes herein referred to, but all the provisions of the Constitution now submitted to you, although it may not be all you desire, or all you think it ought to be, yet, if upon investigation and comparison, you conclude that, as a whole, it is preferable to the present Constitution, you will, of course, advocate and vote for it. You must select one or the other. As citizens having at heart the welfare and prosperity of the State, you will, doubtless, make such choice as will contribute to the best interests of our great and growing State.

WM. CHRISMAN, *Chairman.*

ALBERT TODD,

L. F. COTTEY,

J. L. FARRIS,

WASH. ADAMS,

H. J. SPAUNHORST,

A. V. McKEE,

R. W. FYAN,

LOWNDES H. DAVIS,

M. McKILLOP,

J. H. MAXEY,

GEO. H. SHIELDS,

J. H. SHANKLIN,

*Committee.*



# CONSTITUTION

OF THE

# STATE OF MISSOURI,

ADOPTED IN CONVENTION AUGUST 2, 1875;

AND AN ORDINANCE

PROHIBITING THE PAYMENT OF MISSING RAILROAD BONDS;

ALSO, THE

## ADDRESS OF THE CONVENTION

TO THE PEOPLE OF THE STATE.

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ELECTION: SATURDAY, OCTOBER 30, 1875.

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JEFFERSON CITY:

REGAN & CARTER, STATE PRINTERS AND BINDERS.

1875.



































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